

# City Council Regular Meeting Transcript – 10/21/2021

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[10:21:57 AM]

It's Thursday, October 21st, 2021. We have a quorum. We have some speakers that have signed up to speak at 10:00. We're going to take those, two minutes each. 12:00 P.M. We have five speakers, three minutes each. The attempt is to come back and do -- we don't have executive session today, the intent is to do the homelessness briefing at 1:00. We'll run an hour on that. We need to pick that up later, we can. But that's kind of the allotted time initially. At 2:00 we'll do the consent agenda on zoning. It looks as if there may be only one discussion case today. But we do have some speakers so we'll take those at 2:00, about eight speakers, so not very many. As soon as we're done with the zoning agenda, we'll move into the Kroll report and see if we can plan for kind of an hour in

[10:22:59 AM]

that timeframe. Let's see how that goes. And we'll take care of any business that we haven't been able to take care of up to that point. Okay? So, that's the game plan. We need to talk -- we're going to have a conversation about calendaring. I do know we need to talk about the work session the first week of November is on election day. And I think a lot of us are going to want to be at the polls on election day as opposed to being here, so we'll take a look at what we do with that work session. Changes and corrections, there have been multiple versions of this. I'm looking at version three. It's not identified that way. There have been a couple others out. We modify it as we get additional information. Hfc item number 3 is withdrawn and replaced with item number 6. Item number 3 is withdrawn and replaced with agenda item 42.

[10:24:02 AM]

Item 8 is withdrawn. Item 27 has added councilmember tovo to the sponsor list. Item 44 has added councilmember Ellis to the sponsor list. Item number 50 is postponed to December 2nd of 2021. We have some pulled items. Item 18. Councilmember alter has pulled four items -- item 18, item 20, item 44, and item 45. We have late backup -- councilmember kitchen?

>> Kitchen: If this is the appropriate time, I'll be pulling item 19 and also item 4 just for a comment on.

>> Mayor Adler: Okay. Item 19 and item 4.

[10:25:10 AM]

Okay. We have some late backup in hfc, items 3, 4, and 5. And we'll see if we can remember to mention that when we get to the ahfc meeting. We also have late backup in the council meeting on items 18, 26, 32, 33, 35, 38, 41, 43, 46, 47, 51, 52, and 53. The consent agenda, colleagues, today is items 1-28 and also items 42-45. Pulled items at this point are 4, 18, 19, 20, 44, and 45. Councilmember Ellis and councilmember pool.

[10:26:10 AM]

>> Ellis: Item 27, the living streets resolution, we'll have a version two posted and backup shortly. They're not substantive changes, just language tweaks, but I wanted to put that on everyone's radar.

>> Mayor Adler: Thank you. Which number?

>> Ellis: 27.

>> Mayor Adler: Thank you. Councilmember pool?

>> Pool: Thanks, mayor. I wanted to make sure that we were adding kenoa to the list of appointees for the quality of life advisory commission.

>> Mayor Adler: Okay.

>> Pool: Thank you.

>> Mayor Adler: Thank you. Let's call speakers. We're going to call the speakers that are in person first so that they have the opportunity to leave if they wish to, and this then we'll do the speakers on the

[10:27:11 AM]

phone. Is Lisa here? Why don't you come on down and you can speak. You have two minutes. On deck is Leon aram. Is Leon here with us today? What about Sebastian? You'll be on deck.

>> My name is Lisa. I'm here to speak for item 19. I live near the butler hike and bike trail and use it regularly for exercise, leisure, and commuting around Austin. Even before I made Austin home, I spent time on the trail when visiting the city. It's an iconic part of Austin and I hope it continues to thrive as the city grows and changes. I volunteer often with the trail

[10:28:13 AM]

foundation and through these experiences have grown to appreciate the work they do in helping to keep the trail clean, maintained and relevant to the community by providing connectivity and diverse programming highlighting local arts, culture, education, and encouraging health and wellness. I especially appreciate the restoration efforts and working to improve the health of the trail and surrounding land. I love volunteering with the trail foundation because their work days allow the general public to participate in the maintenance and protection of the trail that they and thousands of austinites love and use on a daily basis. Again, I came here to voice my support for item 19 because I support the parks department and all of the work they do across the city. And I recognize the need for help in operating, maintaining and improving the trail as Austin continues to grow and use of the trail increases. There exists a gap between the current needs of the trail and the available resources. And I'm very grateful there's a nonprofit, the trail foundation,

[10:29:14 AM]

that's willing and able to step in and help in these efforts. So please consider voting in favor of item 19. Thank you.

>> Mayor Adler: Thank you. Is heath riddles here? You'll be on deck. Go ahead. You have two minutes.

>> Two minutes?

>> Mayor Adler: Yes.

>> Okay. Good morning, Mr. Mayor, city councilmembers and staff, my name is Sebastian, I've lived in Austin for about 34 years. My business is in offices located in council district 9 and I'm here to ask for your support of council item -- agenda item 19. Like so many of you, the butler hike and bike trail has played an important part in my life. I've met friends and family to exercise there, have fun, and relish soul-searching conversations. It's a place I go to get replenished. I'm grateful to the trail

[10:30:15 AM]

foundation for protecting and continuing to enhance the trail for all of us. A few years ago, I received a call to help with one of their projects in east Austin. They had a priority to build stronger working relationships and collaborations with members of the east side community. Trail foundation's holly project presented an opportunity to work with community and park staff on improving a focused area by the ball fields in support of the holly shores senior park and festival beach master plan. Although the area was important to the butler trail realignment, it's likely that the city's resources to improve this space would have been competed with other priorities. The success of the final plan was a direct result of the collaboration between the parks department leadership and staff, the community and the trail foundations talent and financial resources. So, I am very appreciative of the organization and the work that they do in the community

[10:31:16 AM]

and support, you know, all of the investments that they've made over the years and the collaboration with the parks department. I think their successful track record speaks to some of the holistic approaches they have to their mission. The trail foundation is the right partner for the city. And the parks department. They offer distinctly collaborative solutions to help fill the gaps and resources that otherwise restrict the city's ability to care for its parkland.

[ Buzzer sounding ]

>> I ask for the council's support of item 19. Thank you.

>> Mayor Adler: Thank you. Is Joshua -- I'm sorry. Go ahead.

>> Good morning, city manager cronk, mayor Adler and councilmembers, I'm heath, chief

[10:32:17 AM]

operating officer for peace park conservancy here to urge you to vote yes on item number 19 as written, authorizing negotiation and execution of a park operations and maintenance agreement with the trail foundation. As you'll remember, earlier this year, this body voted unanimously to approve a similar resolution for the operations and maintenance agreement that will pave the way for the park conservancy to assume a massive percentage of the operating cost, leading to significant savings year over year for the city of Austin. This type of agreement is fully embraced across the country as a fundamental part of the solution to the challenge of adequately funding our treasured and beloved green spaces. These agreements are complex and difficult to negotiate. They require a great degree of trust and discretion on both sides throughout the months-long processes necessary to complete them.

Consistency must be a core value for the city of Austin when negotiating these agreements and the park director must be given discretion to execute these

[10:33:18 AM]

agreements. The director is positioned to understand the potential benefits and pitfalls of these partnerships. I sat at a table for many months across from our friends at the city of Austin, the downtown Austin alliance, the trail foundation, the hill country conservancy and others. We worked hard and in good faith to develop the term sheet that forms the framework for the peas park agreement, and others that will hopefully follow. Treating one of these partnerships differently than others before it would not be fair and it could jeopardize the validity of existing agreements into which this council has already entered. These agreements form public-private partnerships that embody the core values of the city of Austin itself. They are innovative and they make our parks better. They will increase sustainability and diversity and they will make our parks more inclusive and accessible for all austinites. I urge this council to do what it can to facilitate these partnerships.

[ Buzzer sounding ]

>> We must be prudent in their execute.

[10:34:19 AM]

Do not create unnecessary obstacles. Demonstrate the leadership our parks deserve and approve item 19 as written. Thank you.

>> Mayor Adler: Thank you very much. Joshua brunsmann? No? What about Lena Carnahan? And on deck would be Anne Coleman.

>> Good morning, my name is Alena Carnahan speaking on behalf of the real estate council of Austin in support of item 20, the parkland dedication fee item. As you well know, the city of Austin is in an affordability crisis. Rents are at an all-time high. Home values continue to increase. Parkland will be incredibly important for our residents, but affordability in the city is at least as important. Item 20 will ensure that we strike the appropriate balance. The parkland dedication fund

[10:35:20 AM]

already has \$40 million in its coffers. Even with 2020-2021 fees, will still take in 15 million more. One of the most important elements of this item is the affordability impact assessment, a research-based way for the community to see and make a determination on the interplay between parkland dedication and

affordability in our city. Item 20 fixes a previous lack of stakeholder communication while also allowing for an approved communication and engagement process moving forward between parks excusiasts, the development community, and the city. It's important to know that parkland will not be reduced. This item will improve the stakeholder process moving forward, something the city values highly, and ensure that dramatic fee increases don't happen in the future without stakeholder input. This is the only opportunity to get this fee right. This fee will raise lens on rent on

[10:36:22 AM]

thousands of units and has the potential to prevent the development of thousands more. Postponed will only extend the period of uncertainty for projects and by extension, the renters in our city who can least afford it. Our members strongly encourage you to vote yes on item 20 to maintain funding for our parks while balancing the need for affordability during this housing crisis. Thank you.

>> Kitchen: May I ask the speaker a quick question?

>> Mayor Adler: Yes, councilmember kitchen.

>> Kitchen: It's relevant to what she was speaking to. I was thinking that, you know, the parks fee was established pursuant to -- based on a formula that was developed with stakeholder input. And am I correct? I thought that Rico was part of that stakeholder process for developing that formula. That's correct, right?

>> Yes.

>> Kitchen: Okay. Pardon? Okay. I just wanted to establish that you were part of the stakeholder process that set the formula that came up with these fees.

[10:37:25 AM]

Thank you very much.

>> Mayor Adler: Anne Coleman is next. Is Megan lash here? You're on deck. Ms. Coleman.

>> Thank you, mayor, council, and city manager. My name is Anne Coleman, president of Coleman associates landscape architects, celebrating my 40th year of practice in Austin. Our firm's projects include the sculpture garden, a city of Austin park, the new Austin library about five years ago, and currently working on the capitol mall project converting four city blocks into 100% pedestrian park. Today I'm here as the 2021 rica chair. I'm proud to serve with professionals to uphold the codes and ordinances governing real estate development that ensure our quality of life and protection of our natural resources. Many of our members are donors and serve as board members of the greenway conservancy, the trail foundation and the Austin

[10:38:27 AM]

parcs foundation. Rica is pro-park and as one of the many examples this past Saturday, about 100 volunteers showed up and planted over a thousand plants and much other landscape materials at the sculpture garden as part of our Christmas in October giving back to the city. One of our board members brought up this huge increase in parkland dedication fees during our mid-september board meeting. Of the 30 or so board members in the room that practice and develop in the city of Austin, no one was aware of the increase. Our board and our rica staff have met with pard prior to the news and this increase was not brought to our attention. No stakeholder process and no notification to those who must pay these fees and incorporate this increase into their development cost to then be passed on to the consumer. This significant impact of 120% will have a direct impact on rental rates for those who can least afford it. As a community, we're concerned

[10:39:28 AM]

about the affordability crisis. This fee will generate a rental rate increase of 30-\$50 per month and that's just this year. It could also happen next year. Rica supports item 20 to give us a chance to hit the pause button and not delete the issue at all.

[ Buzzer sounding ]

>> I want to take a moment to pay tribute to a member of the parks and recreation department who died in a fatal car accident yesterday morning. Diane steinbrueck was a landscape architect who contributed for over 35 years very significantly to our community. Her firm of winter and associates, as well as project coordinator for the Ada transportation -- transition plan at pard. Diane, thank you, my friend. You will be missed.

>> Mayor, I'd like to ask the speaker a question.

>> Mayor Adler: Yes.

>> Ma'am. Ms. Coleman. First of all, thank you for bringing to our attention that

[10:40:28 AM]

unfortunate --

>> Thank you.

>> Death. So I'm sorry to follow that up with a question here. But I think it's important. We just established with the prior speaker that rica was aware and involved in the process, the stakeholder process. And so presumably, rica was aware the fees were subject to change based on land prices, correct?

>> That's correct.

>> And have you seen in your business that land prices have been rising? Presumably the fee would also rise?

>> That's correct.

>> Thank you.

>> Mayor Adler: Meghan lash and then we'll call Alicia Roth.

>> Good morning, council. Meghan lash. Good to see you all again today. I am with stage work development, and primarily when I'm here before you I'm usually here to speak about an

[10:41:28 AM]

affordable housing project we're working on, so very rarely do I come down and speak on anything when it comes to ordinances and fees like this. But I found this to be very important and I want to give you some real-life examples of how it's affecting what we do even as somebody what develops smart housing in your city. Most of our projects that we build include primarily developments that have a large percentage of developments -- units that have fees waived. What we strive to do is, in accordance with the smart housing policy, provide mixed-income housing. And the market-rate units within our community are typically not rented at full market-rate rent. These units do not qualify even though we're not renting them at full market-rate rent, for the fee waivers. We are constantly striving to build affordable housing throughout your entire city and most recently we were awarded a project called Saison north that will be west of mopac that I'm very excited about in

[10:42:28 AM]

district 7. And it's on an old north by northwest brewery in a sought-after part of town where there is not affordable housing. We have 34 market-rate units out of the 116. Everything else is 60% and Gallo, and we have some at 50% and below. The current parkland fees on that project for those 34 units is \$64,000. And that is a large fee as it is. With this implication of the potential raised fees it would go up 123% and add \$100,000 in cost to this project just for those units that will likely be rented at 80% Ami. If we're wanting to build affordable housing throughout the entire city we've got to balance having a few market-rate thrown in, otherwise we can't get those affordable units on the ground.

[ Buzzer sounding ]

>> So you've got to have a balance. So having a cost impact like that on one of our projects is very prohibitive for us to continue to build in more

[10:43:29 AM]

expensive areas of town and provide affordable housing. In closing, you guys are doing a great job providing affordable housing ordinances and goals, but increasing the fees is going to unwind a lot of that, especially with all the construction costs that we are seeing increase. So I beg you to look at this because we're swimming up-water when we're trying to create affordable housing and increasing the fees that we're being assessed will

[ inaudible ]. Thank you.

>> Mayor Adler: Thank you.

>> Thank you, mayor, councilmembers, I'm Alicia Roth, a human rights commissioner and a resident of district 9. And I thought I was going to be talking after the consent agenda, but I have spoken with enough of you to know that I have the votes, so thank you for all of you who have agreed to support item 28 on the agenda and for being part in making history that started here back

[10:44:32 AM]

in 2019 when y'all first officially recognized my existence. And history that will continue today as we move forward towards ensuring that intersex people like me can live and thrive as we deserve. Condemning these unconsented and medically unnecessary surgeries on intersex children reaffirms that whatever sludge comes out of that big pink building down the road, we do what's right by our residents here in Austin. And we serve as a beacon for the rest of the south to be able to do the same. So, hopefully what we're doing here today will have a ripple effect in many cities and hopefully eventually at the state level, but we'll have to do quite a bit of work to make that happen. And hopefully today's decision will mean fewer parents like mine will receive bad advice where a 1% risk of cancer at some future date led to sterilizing me, forcing my body into childhood menopause and requiring me to take external

[10:45:33 AM]

hormones for the rest of my life, steeped in shame until I came out at 27 to try to change things for the better like we're doing today. Hopefully it will lead to fewer parents mutilating genitals and trapping kids in bodies they can't recognize, like a friend of mine in Houston whose doctor thought it was easier to dig

a hole than build a pole, meaning it was more convenient to build a vagina, and the child -- without his consent. In happier news --

[ buzzer sounding ]

>> This campaign was a coalition effort. I'd like to thank orgs like embrace Austin, avow Texas for endorsing this, all the public safety commissioners, servant church congregants, homegrown

[10:46:35 AM]

heroes like Chavez. Those names, support for this is very, very diverse. And that's because diversity is something beautiful to be celebrated and not surgically erased. We're the first city in the south to recognize this. That's huge. The language isn't as stringent as I would like. The saw the city manager -- when I came up here, but, Spencer, I will be knocking on your door to make sure you execute the education campaign mandated here today. Those of you know me know I knock loud and hard and frequently. So, I'll make sure that we get this education campaign to happen. Thank you so much, again. I know that I'm almost out of time. Just please do what you can to keep lifting our stories. We exist here in Austin and everywhere and it's about time the world acknowledges what we have here today, which is that intersex people matter, our bodies are fine just the way they are, we are not broken, and don't fix it if it anticipate ain't broke. Thank you.

[10:47:35 AM]

I appreciate each of you voting yes on this.

>> Mayor Adler: Thank you very much.

>> Mayor?

>> Mayor Adler: Yes, mayor pro tem.

>> Harper-madison: Thank you.

>> Thank you, mayor pro tem.

>> Harper-madison: Over the years, thank you for speaking up and speaking out and making folks aware. I just want to make certain that you recognize that your persistence and bravery do not go unnoticed.

>> I appreciate you.

>> Harper-madison: Absolutely. I have a question for you.

>> Yes.

>> Harper-madison: The importance of this education campaign --

>> Yes.

>> Harper-madison: I've had other policy where I recognized there just wasn't enough information -- good, accurate, solid, medically appropriate information out there for people to really get it.

>> Yes.

>> Harper-madison: And so there needed to be some degree of education that went along with passing the policy.

>> Mhmm.

>> Harper-madison: I'd like for you to speak to the importance of the education component and what are the goals? What are we hoping to achieve?

>> I actually pulled the education campaign from recent policy that passed in New York City earlier this year.

[10:48:37 AM]

The reason that they passed it almost unanimously, they have way more councilmembers than here, I think it was 43 out of 45 votes, was because there are so many parents that have an intersex child that is born and they're relying on whatever that particular doctor and labor and delivery tells them is best for that child. As we know, medical history is steeped in bias. There used to be pseudoscience called phrenology that proved that black people were lesser than based on the shapes of their heads. And there are still doctors that try to electrically shock the gay out of gay kids. So, you know, what's happening to intersex kids like me is conversion therapy just using knives instead of shocks. It's recognized by the world health organization that disqualifies as torture. The U.N. Defines it as genital mutilation. All the major multinational orgs -- entire countries like Germany have banned these surgeries on children.

[10:49:37 AM]

It's just that here in the U.S. We're behind on a lot of human rights issues and there isn't enough education for parents or doctors. Most of the doctors I speak with say they got maybe a reference in one of their medical school classes about intersex bodies, despite the fact that we comprise 2% of the world's population, which to put into context, that's like 150 million individuals, about half the population of the United States distributed globally. We're not rare. The same amount of people are born intersex as with red hair or green eyes. If you've ever met a redhead, you've met an intersex person, you just didn't know it because we get operated into silence when we're too young to consent as to what's happening with our bodies.

>> Harper-madison: Thank you. I appreciate you elaborating and I appreciate your consistent advocacy. It's never too late to learn and I am grateful that you get to be a part of all of our evolution and being more informed about

[10:50:38 AM]

our friends and neighbors. Thank you.

>> Thank you so much for leading this. I appreciate your leadership on so many issues. The last thing I'll say, some of y'all might be moving to higher office. I've been on frequent calls with the white house and AOC's team to move stuff federally. I'll need you as a champion, whoever you are. I won't look at anyone. For those of you who might be retiring soon as well, please feel free to spend all your time raising funds and awareness to support intersex organizations that are severely underfunded and understaffed. So, thank you all. Appreciate you. Any other questions for me while I'm up here?

>> Mayor Adler: I think we're all familiar with how hard you knock.

[ Laughing ]

>> Casar: Mayor -- I want to thank Alicia for your time and dedication to the commission, because while this issue is so critically important for all of us, for you, and our community, you've worked on so many issues and shown solidarity across issues and your bravery sharing your story and lifting the stories of other people is

[10:51:38 AM]

really important for our city. Thank you.

>> Thank you. I appreciate that. Speaking of which, I met someone in the lobby who didn't know he had to register the day before. Victor Reid, district 1 wants to make sure as Tesla moves here we have jobs available for black folks in Austin. Thank you.

>> Mayor Adler: Great. Thank you.

[ Laughing ]

>> Mayor Adler: Thank you.

[ Applause ]

>> Mayor Adler: Is Dominique Padilla here? No? What about Chris? Why don't you come on up. On deck is Angela Richter. Is Angela here? No? I see. Okay. Go ahead.

>> Thank you. Mayor and councilmembers, thank you for letting me be here. My name is Chris. I'm a civil engineer and I live in district 7. I'm here to speak in support of

[10:52:39 AM]

item 20 regarding the reinstatement of the parkland fees from 2021 physical year. The parkland dedication fee for 21-22 has been proposed to be increased by over 120%, as you've heard, year over year, without any public notice or public input. To the councilmember's opponent before, there is a calculation, but that calculation does not take into account any validation of that. It says here are the number, here's the output. I will tell you that one parcel in the parcels that were acquired is at over \$5 million an acre. That fee alone skews the average by over \$100,000. And so that is the issue. There was no discussion about what numbers were used, were they the right numbers. And so I think there should be a public input as to what is the

[10:53:40 AM]

right number, because an outlier can throw off the whole average and greatly impact our affordability for all of our new units that are created in this market. So, thank you for your time. I appreciate you.

>> Mayor Adler: Thank you. Ms. Richter, why don't you come on up. On deck is Jeannine Bergen. Is Jeannine here? No? What about Adam Greenfeld? You're on deck. Go ahead.

>> Mayor and council, it's been a while since I've been before you, so I appreciate being in this space again. I'm Angela Richter, advocacy manager for Austin parks foundation. As y'all know, Austin parks foundation, our slogan is people plus parks. We are using apf's money to upgrade parks across our city and then we also work closely with the parks department to make sure that we're increasing our parkland in proportion to

[10:54:41 AM]

our growing population. Apf is using an equity lense in all of our work. We've made significant invest amounts the eastern crescent and so has the parkland dedication ordinance fund. We are asking that you withdraw item number 20. This is a policy matter and there was no direction from council to get this on the agenda. We also hear that there may be interest in postponing and we think it's important that y'all identify what the issue is that you're trying to solve and post something that -- post a policy that really is relevant to that issue. We have searched. We have found no error in the way that the formula was executed. We found no notification error. Everything was done the same way it's been done every year since 2016. We recognize affordability as a significant issue and if someone

[10:55:42 AM]

proves that one of our assumptions is wrong, we certainly want to hear if that formula was implemented incorrectly. If there's a problem, we want to address it, certainly. Let's see. I also want to say we're very open to conversations about affordability. I recognize the individual that was up here earlier talking about her unique situation with those 34 market-rate units. But we don't want to get our entire parkland dedication fee and all of the funds that we need for our parks in the city --

[ buzzer sounding ]

>> Anyway, we ask that you withdraw and if not, please vote no on this item.

>> Mayor Adler: Thank you. Adam, would you come on up? On deck is Ryan Clinton. Is Ryan here? You're on deck. Go ahead, please.

>> Good morning, mayor and

[10:56:43 AM]

council, my name is Adam Greenfield with walk Austin and bike Austin, here to speak strongly in support of item 27, the living streets program. The degree to which we nourish our streets is the degree to which we can nourish our entire city and our society. Streets are the biggest public asset we have. And so this proposed living streets program is extremely exciting, building on the profound step forward that healthy streets was in 2020. That limited program, even though it was limited, was able to produce enormous enthusiasm among the community. Neighbors met for the first time. Older people sat on their porches and waved to people going by. Young children learned to ride bikes in the street. What a wonderful and positive way to come out of a pandemic than to embrace streets in this way. So, there's been enormous

[10:57:44 AM]

community support for living streets. We've had over 850 people sign in support, over 100 diverse businesses, and more than 35 organizations. This is a wonderful way to respond to the tough times we've had recently and I want to express my great, great gratitude to councilmember Ellis for her leadership on this and her wonderful staff, and also to mayor pro tem harper-madison and councilmembers Casar, pool, and tovo for endorsing this resolution today. Thank you so much. We are ready to work with you to help take our streets, our neighborhood streets to the next level. Thank you so

>> Mayor Adler: Thank you. Yes, councilmember Renteria?

>> Renteria: Yes, I want to be shown as a sponsor on 27.

>> Mayor Adler: Please also show me as a sponsor on 27. Thank you.

[10:58:46 AM]

Go ahead, sir.

>> Good morning, Mr. Mayor, and councilmembers and Mr. City council and madam city attorney. I'm Ryan Clinton, the vice chair of the animal advisory commission and I'm here speaking in favor of item number 29. Item number 29 states that couple's authority for the animal advisory commission have a standing committee to sustain and advance the no kill agenda in Austin. This was a bottom-up resolution that came from a unanimous vote of each of your appointees to the Austin animal advisory commission and the need was determined by the commission because over the 10 years that we have successfully become no-kill, it's obvious that we need a little bit more flexibility and agility in being able to quickly react to needs and to develop sustainable programs over time. The -- what we do now, just so you know, we essentially create working groups. And working groups -- they're non-public, they're outside of the public. They're not notice meetings.

[10:59:47 AM]

They don't involve the public. The public is not engaged in them. So what we'd like to do is to have a public no-kill committee that allows the public to participate and you have notice meetings. And we do it in front of the public, with the public's engagement, instead of privately. That's all I have to say. And the chair is also here. Craig Nasser. If you have any questions we're relationship to do that but we don't want to take anymore of your time.

>> Mayor Adler: Okay, thank you. Ryan Clinton? Sorry? Just spoke. Yes, sorry. Craig. Craig Nasser. On deck is Sam Hughes, is Sam Hughes here? No? No? Okay. What about Eric stanridge? Eric stanridge here?

[11:00:48 AM]

Go ahead, Mr. Nasser.

>> Hello, it's nice to be back speaking -- [buzzer] It's nice to be back speaking to the Austin city council. It's been a while. And I want to thank you all for the good job you've done during this pandemic because it's really been difficult. And from what I've seen, you have done a good job. I'm here as the chair of the Austin advisory commission to let you know that -- and I don't want to repeat what Ryan said because it's all what I was going to say. We really think that we believe -- we need this committee to get citizen input. The pandemic has affected the shelter, it's affected so many things, we're about collecting data to

understand what's going on. So we can move quickly to make changes. And it's just going to be much easier for us to get that data, process that data as a bunch of volunteers if we have a

[11:01:49 AM]

committee, rather than doing it through a working group. So I would request that you allow us to make this amendment change to our by-laws. I also want to briefly mention item 20. Last night -- I'm on the conservation committee of the Sierra club and we voted to oppose any decrease of the park fees to the parks. And I'll tell you why. This is being conflated with affordability. If having more parks -- as an issue of affordability -- when you make density without nearby parkland -- I mean, I have lived on Manhattan island -- you create the ghettos of the future. Now I understand affordability is a problem, but I don't think that it should be -- I don't think that our parkland should be risked just because this idea of affordability. I don't think it's going to increase affordability that much

[11:02:50 AM]

anyway if developers have to pay a little more money. I think that it is a much bigger problem than that. Thank you very much.

>> Mayor Adler: Thank you. Anybody else in person that signed up and think that they're

-- and haven't been called to speak? All right, then we'll go to the folks on the phone. I think we have seven colleagues that on the phone right now. You want to go ahead and get us going? Could be nine now in the speaker queue.

>> The first speaker is Shelly Mitchell.

>> Can you hear me?

>> Yes, go ahead.

>> Okay. Hi, I'm Shelly Mitchell and I

[11:03:50 AM]

live in district 7. Thank you for allowing me to speak today. I'm a wife and a professional engineer and I work on land development projects in the city of Austin. I am here to speak in support of item 20. The stakeholder prospect and communication about this change and the impact on affordability was not adequate. In my opinion there wasn't any messaging from the city to the stakeholders about the change. I personally found out about this change in an email from a client about a month before it took

effect. This quick change directly impacts over 10 projects that my firm is working on. Projects that have already been planned, funded, and were in process. Returning to the 2021 -- 2020 to 2021 fees will allow builders and design teams to have a chance to evaluate those projects instead of taking the legs out from underneath them. The fees are going up on some current projects by over a

[11:04:51 AM]

million dollars. So this is not a little increase, which is somewhat of what is being said. These costs cannot be absorbed for projects that are already in process and it will end up being passed on to renters, in some cases we're seeing \$30 to \$50 per month. And then in some cases it will reduce the number of units that are provided in these projects. And in the worst cases potentially killing some projects all together where the numbers just don't make sense, because of all of the other items that we're aware that are increasing due to covid with construction and such. Also the example of the project that was previously given is also not a one-off. This is pretty standard for what I'm seeing for our projects. In housing availability and affordability isn't just -- you know, the focus shouldn't be on what is the project -- [buzzer]

[11:05:54 AM]

You know, this stems from supply-and-demand and this fee as I pointed out will impact the ability, you know, some of these projects will have to reduce units. So, therefore, it will directly reduce the supply.

>> Thank you, speaker, your time has expired.

>> I'm sorry.

>> Mayor Adler: Thank you, your time has expired. Next speaker.

>> Okay.

>> David thouts.

>> Mayor Adler: You have two minutes.

>> Hello, can you hear me?

>> Yes, go ahead.

>> Hello, can you hear me? Good morning, mayor and council. My name is David thouts and I'm a district 2 resident here to give full support for agenda item 27, for the living streets program. As you know, many of Austin streets encourage fast driving with the result being far too many people every year are seriously injured or even worse. Things have been especially bad since the pandemic began with a

[11:06:55 AM]

lot of life-altering collisions and it's at an historic high this year and these disproportionately impact lower-income people in council districts like number 2, like mine. And yet providing enough traditional safety infrastructure like speed bumps to reach all neighborhood streets would take decades and be at substantial cost. I can speak for the residents of my own neighborhood in the good knight ranch development. They're very deeply worried about speed on a particular thorough road and I walk my son to preschool along that road every day, often very early in the morning when it's quite dark. And it is a little nerve-racking every time I have to do that. But residents feel really powerless to do something about it, even though it's something that we discuss all the time. However, through the healthy street permit, proposed living street program would allow

[11:07:56 AM]

residents to quickly bring inexpensive and effective traffic calming to their streets. In one test example in east Austin, neighbors used plants, barrels and benches at a mere cost of \$300 to slow down traffic by 25%. That's compared to \$2,000 that it typically takes to just put up something as simple as a speed bump. And by using such creative materials, residents will also beautify their street at the same time, making this really a win-win situation for everybody. So I'm excited to see our streets become safer. But also there will be places where austinnites of all ages can come together and express their creativity and their shared love of our city.

[Buzzer] Living streets would be such a gift and a great fit for Austin. So I hope that you will approve this program today. Thank you so much.

>> Brittany Platt.

[11:08:58 AM]

>> Good morning. My name is Brittany Platt and I have been a resident of Austin for 17 years. Seven of which have occupied district 8 in south Austin. And I, like many others today, am speaking to strongly support item 27, the Austin living streets program. I am a mother to two young boys, 8 and 4, who are lively members of our street community and can be found riding their bikes, walking our two Australian shepards or having the front yard nerf war. And during the covid-19 pandemic, my family and I were lucky enough to be within walking distance to longview park. But even the farm road that was a short cut began to present challenges for us to cross safely as pedestrians or young learning cyclists. During the 2020 healthy streets program, I was a block captain for the short-lived whispering oaks segment.

[11:09:59 AM]

My boys and I would drive there and have the personal freedom of riding safely with less vehicle traffic. I often witnessed and I spoke to neighbors that were interested in the concept of healthy streets and voiced their desire to see more in south Austin, especially those that do not have nearby parkland. As the sustainability student study at university of Texas, I learned that living streets encouraged mobility for persons of all ages and abilities, filled community and enhanced trust among neighbors, therefore, had a potential to positively transform neighborhoods. The living street initiative may have been born out of social distancing, but its adoption can deliver really inspiring social connectedness. And I thank you for considering it. Thank you for your time.

>> David king.

[11:11:00 AM]

>> Yes, can you hear me?

>> Yes, go ahead.

>> Thank you. I'm speaking on item 20, the proposal to delay badly needed parkland dedication fee increases. The 2016 parkland dedication ordinance was vetted through a process that specifically focused on input from developers. The fee increases are intended to ensure that developers pay their fair share of parkland and recreational facilities utilized by their residential and hotel developments. Developers have had five years to prepare for the fee increases. Delaying these badly needed fee increases will prolong chronic underfunding of our parks and recreation facilities. Policies like this set the stage for backdoor deals with corporations to fill in the parks funding gaps. They shift the cost for development to low and middle-income taxpayers in Austin. They also facilitate the outsourcing of maintenance and improvements in our parks to

[11:12:01 AM]

third-party, non-profit entities that are exempt from Texas open meetings and public transparency laws. An article in "The New York Times" indicated that Austin has become the number one destination in the United States for potential commercial real estate investment. It places greater Los Angeles as the most preferred market for 2021 because of the resilience in its labor market and an outlook for steady growth. New projects in Austin are adding skyscrapers downtown and creating complexes elsewhere in the city. Although the pandemic has not held back development, it has influenced design changes. Low-income families and residents of income-restricted affordable housing should not be forced to choose between accessible parks and recreation facilities. These families and residents need and have a

fundamental right to both. Please do not allow developers to delay or reduce their fair share of parkland dedication fees.

[11:13:01 AM]

Most, if not all members of this council, campaigned on a promise to make development pay for itself. This is the moment to stand by your -- [buzzer] Thank you for considering my comments and for your service.

>> Joel pace.

>> Good morning, everyone, mayor, council persons. My name is Joel pace. I am a resident of district 8 in circle C in south Austin. I lived here for over 20 years. I'm here to speak in support of item number 27. The living streets program or initiative. And in particular its provisions that revise the rules regarding block parties and street closures. For the last five years my family has built and presented a hallow wean and Christmas display here at my house and we called the project atex but everyone refers to it as the

[11:14:01 AM]

Austin Harry potter house. We built props to create various scenes and buildings from the Harry potter world, and the hogwarts express and the triple decker bus and presently a large version of the hogwarts castle. We do all of this to raise money for local charities, including Austin angels, and the children's charity of Texas, and the Zach theater. To date we have raised over \$30,000 for these charities. When we started this project we had no idea how big it would become, however, each Halloween we have thousands of people visit our project and our small neighborhood. This has really resulted in really building a lot of community, developing neighborhood connections. We have met thousands of people and it's really kind of become a project that's been adopted by our own individual neighborhood and the city as a whole. Sometimes the lines to see our displays can be a quarter mile long and take two or three hours to cycle through.

[11:15:01 AM]

This leads to a lot of pedestrian -- pedestrians standing on the road and we also have hundreds of children trick-or-treating around Halloween and walking on the roads. When you combine all of these, the influx of people coming to see our display, those coming from outside of our neighborhood, it leads to a complex of pedestrians, kids and drivers and other small traffic jams. We handle it the best we can, however, it would be -- it would greatly increase the enjoyment of our display and this event, frankly, and help our ability to raise money for charities if we could easily and quickly close certain streets or control vehicle traffic to reduce the pedestrian-vehicle interaction.

>> Thank you, speaker, your time has expired.

>> Is he still on the line? I would like to ask --

>> I'm still on the line.

>> I would like to ask you to finish your thought, Mr. Pace. Thank you for joining us.

[11:16:02 AM]

>> Oh, sure. We support item number 27 and it would help us and help our display and others who are trying to create community in our neighborhood by holding these kind of events and we would ask the council to support item number 27.

>> Than

>> Next speaker is bill --

>> Good morning, mayor and councilmembers. Bill bunch, I live in district 5 and I'm speaking on behalf of the springs alliance and the zilcher neighborhood executive committee. And I'm speaking to item number 19. We support negotiating an agreement with the trail foundation to manage the lady bird lake hike-and-bike trail but we oppose giving staff and the trail foundation the authority to execute a negotiated agreement.

[11:17:02 AM]

We have said that any final negotiated agreement to be brought back and reviewed by the parks board with public input and final approval by the council in a public hearing. Everyone I think agrees that the trail foundation has done a lot of excellent work for the community to improve the trail, with the maintenance. And there's a great deal of appreciation for that. However, council itself should approve any final agreement doing management with over 259 acres or more of public-led parkland to a private entity and to do so only with public input. We have a great deal of experience in this city with these kinds of agreements where they only get better with public oversight and input along the way.

[11:18:02 AM]

Overwhelmingly park surveys show that Austin residents want our parks to be more natural, less developed, quiet escapes from the hubbub of big city life. And these goals necessarily come into conflict and require some balancing with the pressure to increase commercialization and development along the

trail. The agreement that they're contemplating in the backup makes clear that part of the plan is to increase our income for the trail foundation through concessions and on-trail events.

[Buzzer] These are important details among many others, like access to information, and compliance with noise ordinances and amplified sound issues, etc., such that the public and the council should retain some input

[11:19:02 AM]

at the end. Nobody is asking to be inside the negotiating room.

>> Thank you, speaker, your time has expired. Carmen ionass-belito.

>> Oops, I have to unmute myself. Good morning. Thank you all for your service as always. Here we are again. And thanks for the reminder of the fragility of life and I'm glad that we're all here healthy and safe. I wanted to speak on item 20, and a lot of good points have already been made about this. I want to point out to you all that, yes, we pay have generated \$40 million in parkland dedication fees but you have over \$100 million in deferred maintenance for the park department. And 80% of the parkland in acquisition you have done with these fees have been in the eastern crescent because these

[11:20:03 AM]

areas have been so underinvested in by the city for so long and we're just barely getting it. And so I'm speaking to councilmember kitchen and alter for reminding us that we could have a large seat at the table. And it's five-year cost of the parkland and the affected areas and there's no secret that land costs are increasing. Current projects should be grandfathered under the fees that they agreed to. If they agreed to this formulation based on land values, they would have known at the beginning of the project that land value was going to increase. That should be a projected cost from the beginning. Just like potential increases in lumber costs, labor costs. The residual land value is part of where all of those plans began. And as far as affordability, we have got to cut through this argument that parkland fees are hurting affordability. It's just not true. Let's talk about what we just heard. I love them, and I helped to get

[11:21:04 AM]

dozens of signatures so they could get deed insurance and put in affordable apartments in my neighborhood. But I live on 35 -- just east of 35. And those 34 market-rate units in district 7, you know, I heard that the parkland fees were currently \$64,000 and -- I wasn't clear if it was up 120% or up \$100,000 or up to \$100,000, let's say they doubled to close to \$130,000. And if we're going to be

conservative and say they're all one bedrooms at about \$1600 or \$1,700 -- conservatively amongst that almost \$60,000 in revenue for those units and three months it's \$172,000, all of your parkland dedication fees plus.

>> Thank you, speaker, your time has expired.

>> Is going to set them back.

[11:22:07 AM]

Deaton Bednar.

>> Good morning, mayor, mayor pro tem and Austin city councilmembers. My name is deato Bednar, a district 9 resident. Today I'm speaking about keeping existing healthy streets in place and support of a healthy streets permit, along with the living streets program agenda item number 27. As a resident on the avenue G healthy street in districts 9 and 4, I have seen how much the street contributes to all of Austin with which we share our safe avenue G street. When this program began 18 months ago, it invited folks to join in. This morning while we were talking with a cyclist, the dog walker joined the conversation, and then we were all envious of a passing by young child's lighted roller blades. And she strolled down avenue G with the accompaniment of an adult on a surfboard and an

[11:23:08 AM]

older child on a bike. Fun, familial times together. Other neighborhoods in Austin should have this experience. You probably received emails from wanting to continue healthy streets. And other residents too want a healthy street. When you look at the city's map where people suggest the new healthy streets, you can see hundreds of suggestions in every district. There appears to be enormous support. Thank you for considering allowing residents to apply for their own healthy street. Please also consider allowing the use of their own materials to slow movement. A bottom-up approach at the community level gives the citizens ownership and agency to residents having this experience in their neighborhood. I have to add -- we on avenue G are so happy every morning to see Orange barrels and barricades as it means that we still have a healthy street. Thank you for listening to me

[11:24:10 AM]

and all of the other speakers. The work you do for us is hard, demanding, complicated, and vitally important. I hope you will all support Austin living streets. Thank you.

>> Daniel gómez.

>> My name is Daniel gómez. Can you hear me?

>> Yes, go ahead.

>> Hello? Okay. My name is Daniel gómez and I'm a resident of east Austin, district 3. And I was part of a healthy streets when it first started and I was a block captain. I just want to say how much I enjoyed that and I enjoyed the group and how inclusive they were. And they reached out to the community. And I was a community activist and I enjoyed that and I think that healthy streets is a very positive thing for the community.

[11:25:12 AM]

[Indiscernible] And because of denseification and also the block parties where we would have the hispanic community and the young people, the new people, and we got to meet each other. So that's a great way for us to meet each other and to get to know our neighbors. I think that it will go a long way to the quality of life for older hispanics like myself. I'm now with healthy streets, I bought a scooter and I learned to scoot up and down

[laughter] And because of the healthy streets block parties that we have, I was able to meet people that I would have never known before. And then we collaborate and talk about how we can improve our neighborhood. So I really am for healthy streets and I hope that you pass that. Thank you.

>> Mayor, that concludes the consent speakers.

>> Mayor Adler: Great, thank you

[11:26:14 AM]

very much. Thank you, folks, for participating. Colleagues, consent agenda, items 1 through 28 and 42 through 45. I'm showing the pulled items 4, 18, 19, 20, 44 and 45. Councilmember pool, you read into the record, did you not your appointment to the commission?

>> Pool: I did. And then I looked at the backup and it looked like the name was already add in so on item 26 we are good.

>> Mayor Adler: It was. It was a late edition so it's important that you read that into the record. Thank you. Do we have anymore items to pull other than those six? Councilmember kitchen?

>> Kitchen: I can -- I can leave item 4 on the consent agenda. I just want to make a short comment.

>> Mayor Adler: Okay, we'll leave that on the consent agenda. Does anybody have any other items to pull? Let's have a motion.

[11:27:15 AM]

A motion to approve the consent agenda? Councilmember kitchen makes the motion and mayor pro tem seconds it. Comments now on the consent agenda. Councilmemb

>> Kelly: I have a no vote on item 28 and I feel that it's not a proper function of municipal government to step in. I feel that it's a decision that should be made in a family or together with your doctor. Thank you.

>> Mayor Adler: Okay. Further comments on the consent agenda, mayor pro tem.

>> Harper-madison: Thank you, mayor, and I spoke to this briefly earlier, but I wanted to extend my remarks. There's no "I" in team, but there is an "I" in lgbtqi plus. It stands for intersex. Approximately 2% of people are born with variations of their sex characteristics that fall

[11:28:15 AM]

outside of the conventional male-female binary. Believe me, I know deep down in my bones the fierce desire that new parents feel to protect the well-being of their children. I am also profoundly familiar with the myriad of uncertainties and anxieties that new parents face and the countless tough decisions that they have to make. A lot of those tough decisions have to be based on trust and science and the expertise of medical professionals. The fact is that stigma has historically helped to shroud the science and understanding of what it means to be born as an intersex person. Simply by having the conversation, we are shining the light of dignity on that stigma and chasing those shadows away. As they proceed, or as they recede, new scientific

[11:29:15 AM]

understanding is evolving, and we have the opportunity to fight misinformation and help parents make sound decisions that help their kids to grow up happy and healthy. I have a friend who said one time, my singular goal with parenting my children is to raise kids who don't have to recover from their childhood. I think about that a lot when I think about what it is that adults do and decide that perpetually affects another person's existence. So thanks to my colleagues for supporting this and thanks to Alicia waigle and embrace Austin, and all of the other advocates who work so tirelessly to make Austin as inclusive a community as we can possibly be. I'm proud today. Thank you.

[11:30:20 AM]

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: On item number 4 -- item number 4, I just want to say it is -- I'm pleased to see this moving forward. This is an item that relates to the -- the bridge that goes into zoker park. And I want to assure and put on the record for all folks in our community that are interested in participating that this will be a very open and public process. This is phase three. So the objective is to develop and select the bridge type and style, either rehabilitation or new, and explore preliminary design options associated with the preferred bridge alternative. This will come back to council. It will be presented to council with recommendations. And, city manager, I would like

[11:31:20 AM]

to make sure that what comes back to council is both the recommendations for the option, but also -- so council can see what other options were considered. I also want to assure folks that within the scope is expanding the rehabilitated or new bridge to include bike ped. That will be considered as well as a separate bike ped crossing that will be considered as well. That's built into the scope here. Then, finally, there's concerns about the historic nature of this bridge, which goes to the concerns whether it should be expanded for bike ped or whether there should be a separate bike ped along it. I just wanted to assure everyone that the state and local historic commission issues and concerns and the historic implication will be part of the consideration on the options. So thank you, mayor.

>> Mayor Adler: I'm sorry.

[11:32:21 AM]

Councilmember pool.

>> Pool: Thank you, mayor. I wanted to thank my colleague, councilmember Ellis, for bringing the living streets I.F.C., that's item 27 and for inviting me to co-sponsor. This council has been doing strong work on reimagining our streets and our parking areas. And like with the "Shop the block" initiative that had such a successful rollout and is continuing, I continue to be inspired by the potential for our neighborhoods like we see with item 27 -- living streets. To use more public space where we don't traditionally offer it. And it allows us to be just in person and to get together and to congregate again and enjoy being outside and getting to know one another again. So thanks for the initiative.

>> Mayor Adler: Councilmember Ellis?

>> Ellis: Thank you, mayor. I appreciate those comments, councilmember pool, I appreciate

[11:33:22 AM]

your involvement. This has been a long time coming with some very passionate and technical conversations about how to make an initiative like this work. I appreciate my co-sponsors, mayor pro tem harper-madison and councilmembers Casar, pool, tovo and Renteria and mayor Adler. I wanted to make sure that when we had these conversations, we included a lot of my colleagues that have done good work in this realm. Some of these co-sponsors were part of the original healthy streets program which was very successful. Others like councilmember pool doing "Shop the block" and councilmember tovo has had extensive leadership, even the last meeting trying to do bike connectivity near sea home and on congress avenue. So we certainly all want to see this come to fruition and we're very excited about it. I also really appreciate the leadership of Adam Greenfield who is with us here today from "Walk Austin" and the former city councilmember Chris fieley

[11:34:22 AM]

with bike Austin who continue to be advocates in our community. I appreciate the folks who came and testified and shared their stories with either trying to do block parties, or their appreciation of healthy streets. Mr. Pace with the Harry potter house -- which is so exciting every single year to see the community come together and to do work like that. I think that closes out my comments on the living streets, but I certainly also appreciate councilmember kitchen's comments on the Barton springs road bridge. I know that it is a border between our districts and so you have half of the bridge and I have the other half of the bridge. I think that we're both committed and working towards a process that is transparent and also provides for the safety that historic bridge absolutely needs. It's something that a lot of our community uses. It's also really important that the folks who live nearby have access to their residences and that folks who use the park have access to the park. I have had my own bike accident, avoiding that bridge, so I think that it is really important.

[11:35:22 AM]

But I know that we're all committed to working together on this and coming up with a creative solution that we could find something that works for all of us. So thank you so much.

>> Mayor Adler: Councilmember tovo, and then councilmember Renteria.

>> Tovo: Thanks so much to my colleagues for initiatives on various fronts. Mayor pro tem for your resolution. Councilmember Ellis for the resolution that you're bringing forward on which I was a co-sponsor. I wanted to just highlight one other item on this week's agenda that I think that is really important. It speaks to some of the work that this council has done during the pandemic and there was so much going on and continues to be that we don't always stop and recognize, all of the amazing partnerships that have emerged from this real time of challenge. One is with "Good works Austin" so we're ratifying a contract with good works Austin who was a vendor during a period of time

[11:36:22 AM]

where we were supplying individuals experiencing homelessness with meals to try to respond to the fact that many of our social service agencies that provide congregate meals were closed, and that we needed to make sure that every member of our community continued to get that basic need met of food during a period of time where we really wanted people to eat and be in non-gathering environments. This was an example though of a way in which we used our investment of federal funds or local funds to not just meet those basic needs, but also to do what we could to make sure that our local businesses stayed healthy and thrived and had an opportunity to continue even after this pandemic. And so good work, Austin. The money that we put towards the caregiver meals at aid which they turned around and used to hire local businesses to provide those meals is just a great example of, again, the way that -- the way that our community and our city worked

[11:37:24 AM]

together to really make sure that those -- that our community thrived as best as possible during really challenging economic times. So thank you to our staff for your creativity and your willingness to concern these alternative and innovative solutions and make sure, again that, we were looking out for our neighbors.

>> Mayor Adler: Thank you. Councilmember Renteria.

>> Renteria: Thank you, mayor. You know, I'm really excited about item 27. We have been doing a Halloween block party for over -- this is going to be our 30th year and we used to barricade street at one time when we first started and it was really safe for our kids. But then it got harder. The city said that we couldn't block the street. So we had to hire volunteer -- well, we got volunteers to escort the vehicles because normally our street is very quiet. But during Halloween we get all of these visitors that come by

[11:38:24 AM]

and a lot of them drive to our site and we -- we are always trying to make sure that our kids were safe. We get over 2,000 kids that night that go through our neighborhood. So it's -- it's been a tradition now. But it got to the point where it was so hard that we had to move all of our games that we provide to the kids into our yards because we could not set them up on the street because traffic was allowed to go through there. So, you know, it became very concerning to me that we couldn't do it, and then we find out that they wanted a \$5,000 to block the street out. Which, you know, we're just a neighborhood block party. And our residents couldn't afford that kind of money. So we've kept it up. They still came

through there and we made sure that people were out there with lights to make sure that no one got hit. But this is a kind of program that brings a community out.

[11:39:29 AM]

Like my colleagues said, you know, you get to know your new neighbors where we're really changing quick here in Austin. We're losing a lot of our people that grew up there in the neighborhood and they're moving out. Their kids can't afford it or they have their own houses outside of the city that are our central area. But they do come back at Halloween and they do have fun and they reconnect. We're starting to see multi-generations of kids that -- you know, that their parents grew up there and they're just so excited to come back and reconnect with our community. So this is a really a great thing for us. And I really want to thank councilmember Paige for bringing it up.

>> Mayor Adler: Councilmember Fuentes.

>> Fuentes: I want to draw your attention to item number 7, for

[11:40:30 AM]

engineering services for Ross road in del valle. Ross road is a substandard street and I was grateful to this council and for councilmember Ellis' leadership in getting it included in the 2020 mobility bond. And so we are seeing that work move forward, and I'm excited that we're able to do it so quickly. I mean, I say quickly, but it's been -- it's been 10 months or so. This issue is very important to our community. My office has hosted a community meeting with our del valle neighbors. We also engaged congressman Doggett's office in securing federal funding in support of the improvements on Ross road. Unfortunately, that funding did not come through. So we're still, you know, still working different avenues because of the extensive need that we have in this area. And so I'm just grateful to this dais for your support on this item. Thank you.

>> Mayor Adler: Councilmember alter.

>> Alter: Thank you.

[11:41:30 AM]

I have in the past raised questions about whether the state was providing enough funding to help us with our covid relief. So I do want to acknowledge item 22 on our agenda, which amends the fiscal year budget for Austin public health to accept and appropriate \$3.6 million in grant funds from the Texas department of state health services and to add two full-time grant-funded positions. This is welcome

funding and I appreciate that the state is investing in our response. We'll be able to hire an additional 20 physicians, two of which will be made permanent. So I'm pleased to see this. These are federal funds that are being passed through to us and I did want to ask the city manager in light of the finishing of the session -- I may have missed it already -- but if we can get a sense of the funds that we can anticipate that will come from the billions of dollars that state had at their disposal so that we have a full picture.

[11:42:32 AM]

I would appreciate that.

>> We can certainly do that, councilmember, and we will provide that update for you.

>> Alter: Thank you.

>> Mayor Adler: Colleagues, anybody else? Okay, a motion in front of us on the consent agenda. Pulled items, 1-28, 42-45, and pulled items 18, 19, 22, 24 and 25. And there's a motion and a second. Those in favor of the consent agenda, please raise your hand. Those opposed? Items on the dais, those items pass.

>> Mayor, I wanted to clarify that item 4 was on the consent agenda or pulled?

>> Mayor Adler: It was on the consent agenda and there were comments and it was put back on. Councilmember kitchen made some comments. All right, colleagues, let's see what we can do here before noon. We have about 15 minutes.

[11:43:34 AM]

So let's see the ones that we might be able to work through that might not be that involved. Let's talk first about the calendar. Council meeting schedule, on November 18, councilmember alter you pulled this?

>> Alter: Yeah, I pulled this because I'm concerned about the way that we are setting up our budget hearings. I not that it is really important for people to be able to come to speak to us about the budget and for it not to be slammed into a council meeting. If I had the right version -- sorry, I don't have it right in front of me right now -- it looks like we only have one hearing set beyond the actual budget date when we normally do the budget and in the past we've had two. And that is set for a day that is also the first council meeting after our break, which tends to be very large, and it tends to be really problematic if we try to have speakers and that council meeting together. So I have two concerns. One is that we seem to only have one hearing.

[11:44:34 AM]

And, two, does it make sense to be combining that hearing with that heavy council meeting.

>> We do have our budget officer to speak to the way in which we outline for the schedule.

>> Good morning, mayor and council. Carey Lang, interim budget counselor. When we were looking at the schedule for the calendar, one of the things that we looked at was the number of council meetings that were available prior to the -- between the proposed budget and the approved budget. And so the first calendar -- council meeting, regular council meeting available was the 28th. There are opportunities -- for that community input. We thought that would be appropriate since that was the only council meeting between the time that we proposed the budget and approve the budget. And then the second thing is that there are other work sessions that are proposed in the calendar where we will have community input opportunity during those work sessions.

[11:45:35 AM]

>> Alter: Okay, in the past we have never done that -- where our work session -- we also had input. So I'm just -- I remain confused, and I remain concerned that we try to combine -- every time we have done that with a hearing and that first council meeting we end up having to find another date to do that. I'd much rather say, okay, we'll have a meeting on Friday or plan that Friday is going to have the opportunity to go over from the get-go, so that there would be a solution. But in the past we've never had our work sessions be the public hearing day.

>> And this is community input. We do have -- this is community input sessions. The official public hearing will be on the 17th, August 17th, with the budget readings.

>> Alter: Okay. I'm not -- this is a change that I'm just not understanding what we mean by community input sessions on our work session times for the budget. That may be a great innovation, I just don't understand what it

[11:46:36 AM]

is and so I want to make sure that we're providing sufficient opportunities. So maybe you can explain more with specific dates of what -- what you're talking about.

>> Would it be helpful -- if I could, mayor -- to ask Ms. Lang to give us the dates. I look at this and I see what looks to be three budget and tax rate work sessions and public input adoption before we get to the three days of budget adoption. So I see here the August 2, 9 and 11.

>> Correct. So August 2nd would be the budget work session. And the date that we set the max rate. Then August 9th and 11th are budget work sessions. And then the budget adoption and readings are August 17th, 18th and 19th as needed.

>> You are anticipating the community input pieces which I think that councilmember alter is concerned about on all of those days?

[11:47:37 AM]

>> No, what we are anticipating is that we set the community input piece at a later time on one of those days. So it would not necessarily be on all of those days listed. If you look at this year's calendar, we anticipate -- or we had the community input on the 22nd of July for our fiscal year 22, and then we added an additional community input during the work session. So that's what we were anticipating doing again for next year's calendar.

>> So I think that addresses my concern about the second day, if that is what we're doing and then we're also very clear with people that this -- this diagram doesn't tell anybody real clearly what day that is and so I'd like to have that clarified. But it doesn't address the 28th as being usually a very packed council meeting. And having the hearing at the same time. Having to figure out if we can meet on Friday or a whole bunch

[11:48:38 AM]

of stuff that might be better off addressed -- that then can't be addressed until September.

>> Is the 28th also a budget day because on my calendar it's a blue square that means it's a council meeting.

>> The 28th is a councilmember day that we added the community input -- the budget community input -- on that 28th day.

>> Okay, so that's the part not clear on the color chart here. So that's July 28th.

>> And I certainly hear, councilmember alter's points about having a council meeting and a community input time during that event. I think to your point, you know, certainly there is that opportunity to break up the meeting into two different days, depending on what is on the agenda and how many people might be engaged in that discussion for providing input. We can make that determination as we get closer to that date. But I think that it would be helpful -- and I will ask our budget staff to just take the calendar that's in front of you

[11:49:41 AM]

and ensure that it's in a memo format so it's clear to both council and the community on what days they can provide input, what days are work sessions, so it's a much more articulate going forward.

>> Mayor Adler: And I do appreciate you presenting it and I wanted to say out loud that the final was filed yesterday and my office has not had a chance to vet it at all yet with the calendar. So my request is going as a body that we not approve this today and we bring this up at the next meeting when we have had a chance to look at it.

>> Mayor, if I can respond. With all due respect, we should put in our calendar a second meeting that week that we can move into so that we don't have to scramble to get extra time. Because I can guarantee you that we will need it. We have needed it every single year and then we're scrambling at the last minute, you know, whether it's to split up to do consent on Wednesday and do the other -- and it ultimately ends up being fairly disrespectful to

[11:50:42 AM]

our community who comes in and doesn't have any idea what time they're going to get to speak. We're trying to review the budget and the agenda and there's no clarity as to when we're doing stuff. It would be much better to at the very least have time that is set. Because if there's one meeting from June 16th to September 1st, it's going to be a pretty packed meeting on July 28th for a council meeting. I mean, there's just no -- you can manage it all you want, but it won't -- you won't have time then for four or five hours of testimony if that's what we have. So if we're going to postpone it, I would ask you to figure out an appropriate way to address that.

>> Mayor Adler: I would agree with that, it's easier to take a day off than to put a day on.  
Councilmember tovo.

>> Tovo: So you are suggesting that we postpone this today?

>> Mayor Adler: Yes.

>> Tovo: I will support that

[11:51:43 AM]

motion and just add -- in fact, if you make it and I will second it.

>> Mayor Adler: I make the motion to postpone.

>> Tovo: I second it. And one other suggestion, with what my colleagues said about the need to build in time for public comment. I just wanted to remind the manager that one of the pieces of feedback that I gave you and our financial staff is really making sure that we have enough work sessions in the week before the budget approval to really -- as much as possible to share our amendments with one another, brainstorm and talk about how to have different outcomes. This year we just ran out of time for that kind of work. Generally I think we're starting to do that more and more between our work sessions and our other conversations, just leaving out the time that we need to be able to talk to one another and to

try to come to good outcomes as a council. So if you could take that into consideration from now until when we take this up again.

[11:52:45 AM]

>> Mayor Adler: Councilmember pool.

>> Pool: Thanks. That all sounds really good. And I also want direct the city manager to the last week of September, which it looks like those meetings are at a time that rashashana, to not have a council meeting and work session that week and that we push the October meetings up one week so the 13th is on the 6th -- and of course the 11th on the 4th. And the 25th is on the 18th. And the 27th is on the 20th. Move both of those meetings up a week so that we don't crowd our meetings then in November, which is also a really important time for our community. And that we give a little bit more breathing space and acknowledge the religious holiday. On the amended calendar to have

[11:53:47 AM]

a look at that, please.

>> If I could just comment, that's more complicated because we go from sundown -- so you could have a work session -- because you're hit yom kippur, but those of us who are observing are off on Wednesday and then you're petting a council meeting on the 6th. And for and I don't observe yom yom kippur, and the same with rosh hashanah and it's different to have a work session on the second day than to have a second day on yom kippur for somebody that had to be there and so it's good to consult with someone who observes that second date to see

[11:54:47 AM]

what is most appropriate. But I don't know that that is actually a simple move as you're suggesting. I appreciate the desire to move some of those meetings out of October because of the election and whatnot, but I just want to clarify that I don't think that it's as simple as that.

>> When I was talking about the September rosh hashanah holiday, I said the 29th, but I also intended to include the 27th which is the work session day. And so, yeah, whatever --

>> We'll take a look.

>> Alter: It's more problematic to have it on than on the second day of rosh hashanah.

>> Mayor Adler: You chase those things down and give us another draft that we can check with our calendars and if we had any particular changes relative to keep in mind, we would reach out

[11:55:47 AM]

to the office and give those to you and I suggest that the colleagues do the same thing. Any objection to postponing this item? Bring it up as soon as you can. So it's postponed subject to the manager putting it back on the agenda. No objection? That item then is -- is postponed. Okay. Trying to think of something to do here -- just a minute or two. And the maintenance agreement will take a longer time and south central waterfront is going to take -- maybe we can -- sorry, what?

>> [Indiscernible].

>> Mayor Adler: We could probably do the south central waterfront two cases. We think that will take --

>> Mayor, I didn't hear the first thing that you said but my hope is that we can do the south central. I think councilmember alter had amendments but I don't believe that I had any concerns about

[11:56:48 AM]

the one that she proposed for mine. We might be able to knock that out quickly.

>> Mayor Adler: I have a question on that because I wasn't sure. On the -- on the governance issue, is the governance issue necessary for us to be able to do the -- to initiate the -- is it necessary?

>> So I think that you need to have at some basic governance, and I would leave that to the city manager to kind of fill out what that means, but as I understand the benefit of the ters, especially if you start at zero, is the governance structure that allows us to leverage our ability to negotiate with folks who would be in that area to be part of a district as opposed to just being an individual. And so if you do a ters without the governance, then you are missing the whole benefit of the ters, which is from my mind to be able to plan district wide

[11:57:51 AM]

and to tell folks who want to develop there that if they want to do certain things they have to do certain things to be -- to be part of it.

>> Mayor Adler: So I'll be okay with the amendment with the discussion --

>> Not saying that it has to be the full or final governance structure, but some governance structure is what is going to allow us to be able to leverage the ters to do the things that I think we all agree that we

want to do. Especially with your resolution, where you're starting at potentially at zero, if you don't have the governance and you're at zero, then all you're getting is the base value from that, whereas, if you have the governance structure you can do more from a negotiating perspective for the city as part of the real estate.

>> Mayor Adler: So I'm okay with the amendment that is with governance with staff understanding that we're not trying to -- to invent what the

[11:58:52 AM]

final governance might look like, because we don't know -- we have basically kind of a summary. The reason to do -- just to establish the benchmark so that we're not in two years wishing that we had started the benchmark earlier. So my goal is not to have to have staff spend a lot of time on this. It's to basically to create it. So we don't look back. So if there's a minimum kind of governance structure that would be helpful or necessary and then I would want them to look at it and we're not asking them to try and to finalize what the deal is yet because we don't know what the deals are yet or what the plans ultimately will be.

>> I thought that preliminary modified --

>> Mayor Adler: This conversation --

>> But I do think that the governance conversation is integral to the ters, and so that does need to start happening. And -- and our ability to use the ters to regulate at the

[11:59:54 AM]

level that we would like to, I think depends on the success of that. But it could be as simple as, you know, some particular role for them to play working with us.

>> Mayor Adler: Right.

>> You know, the council, until more is established or something like that.

>> Mayor Adler: And my goal is to try to not have to have them to have a long conversation on whether it's in there or not in there, if that's a long conversation. Because there's not a lot of time left and not a lot of meetings left, and I want them to be able to -- to act and come back to us so that we can initiate that this year. But to the degree that they can do those things in time, I'm okay -- to the degree that it is necessary to be done in order to be able to initiate it, I am okay. But ultimately they shouldn't feel responsible to decide those questions that will be decided over the next year and a half or two years.

>> Alter: I think that I would leave it to real estate experts who know about dec to be able

[12:00:55 PM]

to determine the appropriate timing relative to the appropriate pieces but I want to make it clear that we need a governance structure for this to succeed and we need to begin flushing that out. I don't have a set -- this is what is the governance structure. But the plan doesn't have any teeth if there's nobody there to shepherd it in and the point of setting it up and doing that was to benefit from their expertise and knowledge on that.

>> Mayor Adler: Right.

>> Alter: If I could explain for line 75, I think that ters is just -- you know, especially if the ters is not a full ters, if we want to take care of any ongoing expenses with the general fund, we have to think about additional public financing strategies that would help us to realize the vision. So that's why, you know, I don't think that the ters is one step and it's the beginning step but it is not the only piece of this

[12:01:57 PM]

puzzle for making it -- making it work.

>> Mayor Adler: I'm good with that and you're actually right, ultimately we will need a governance structure to run it so it has teeth and it can function. I don't know if that needs to happen by December 31st, but I know that setting up the tif has to wait by December 31st or we have to wait for entire year to set up the benchmark.

>> Alter: I wasn't aware of that timeline but if it has to be established by December, but we're working on the governance and the governance comes back in February -- like, I'm fine with that. I don't want to stop it, but I want to make really clear that governance is really important for the success.

>> Mayor Adler: I agree with that too.

>> Alter: There are plenty of different ways that can be structured. I'm not saying that it is one way.

>> Mayor Adler: I agree with that too. To advance it as much as appropriate --

>> Kitchen: The rest of us would like to be part of this conversation.

>> Mayor Adler: I will bring in

[12:02:57 PM]

councilmember tovo first and then come back to you. But what I heard her say was that the governance is in here and it shouldn't hold things up and if it's not appropriate to be designing it now or whatever degree it is that can happen later, is my understanding. Is that your understanding of what she said?

>> That's correct.

>> Mayor Adler: Is that your understanding?

>> So my understanding is that if there's a deadline by which we have to establish the ters by the end of the year in order to be able to capture this year as the base value, then we would move forward with that. We're still going to need some kind of governance structure, even if just the council is in charge of it. And then moving towards a fuller governance structure that would allow us to really leverage the whole plan and the ters would be the next step. Take because I think that there's probably some ready models that are out there, but that -- again, I'm providing direction to staff to figure

[12:03:59 PM]

that -- that out. But I am fine with it if there's a deadline by December, in order to get the base value, not having all of that -- that finalized.

>> Mayor Adler: Councilmember tovo.

>> Tovo: A few other things to say but before we got too far along, I wanted to ask -- I think that the council typically is the board of the ters, right? So that's -- I mean, we have a built-in governance structure I think as soon as we set up the increment financing and establish ourselves as board members. But, I mean, I appreciate that we might want to do it a little bit differently, given our relationship with the economic development corporation and given that we have already tasked the economic development corporation with this as one of their major projects for initial work. But am I missing something in the governance conversation? And then if you could come back to me, I think that councilmember kitchen may have had a question about this too,

[12:04:59 PM]

but I have a few comments to make about our resolutions that I want to just resolve this piece first. And wouldn't that be the governance?

>> Mayor Adler: It could be, I wasn't trying to predecide that issue and I didn't want the staff to come back and say that we weren't able to get it done this year.

>> Tovo: There's an urgency here that I completely recognize, but I just want to make sure that we're really clear that is typically the governance structure that we utilize.

>> Chief financial officer. That is the governance for our tax investments and tax increment investment Zones in adopting an ordinance to establish a new ters you will have to have a new board of directors. That's a requirement of the ordinance and it's typically the city council but it does not have to be.

>> Tovo: Could we establish ourselves as the board of directors and evolve that over time if there's a more -- a different governance structure

[12:05:59 PM]

that is --

>> I believe that it could. I would want to confirm that, but I believe that it could. We are planning -- staff has already been planning prior to these resolutions coming forward a November 16th briefing to council, based upon your prior direction about a perspective ters for the south central waterfront. So we are anticipating a staffing on council on November 16th that I think we could address --

>> Tovo: Incorporate that issue. That's it on governance --

>> Mayor Adler: Hang on a second councilmember tovo. Councilmember kitchen, did you ask on governance?

>> Kitchen: Yes, I wanted to make sure that I was understanding the language that you are talking about, since it was not passed out to us, but I see it on the message board now. My question relates to the scope of what's coming back to us. I think that I understand what you are talking about are regard to governance. And I agree. And I'm fine with this amendment. Subject to the conversation that we just had.

[12:07:00 PM]

So -- but -- so my question is on a different matter. Do you want me to ask that now?

>> Mayor Adler: Different matter. We'll go back to councilmember tovo and then back to you. Councilmember tovo, a different issue.

>> Tovo: Thanks. I want --

>> Mayor Adler: Hang on there.

>> I wanted to add one more thing on the governance if I could. So the governance part relates also to the implementation piece which is sort of the next steps. And so -- I mean, we are going to need to have clarity over what is the role of dec, and, again, that doesn't have to be decided by December, but there are structures. We have hired people to do this who have knowledge of how this works and the whole -- the whole point of dec is for them to be able to be a more effective body in terms of achieving our goals through our real estate efforts and so -- I just think that, you know, the governance part is in some sense more for the

[12:08:00 PM]

implementation portion as we kind of move beyond the creation of setting that -- that base level. And, again, I don't have the answer of what it is, but I don't think that we will be effective if it's just us governing and we're not taking advantage of that expertise and governance can have different meanings in this context. But I think that is a conversation that I believe that our staff need to have with dec and figuring out what the actions are and what will allow us to be most effective over the long run.

>> Mayor Adler: I agree with that 100%. There was just a tiny issue on the one and I was trying to just get that part done but, obviously, at some point in the future if we decide to use a tif, we would have to set up all of those elements. We just don't have to decide those elements now as what is necessary for us to be able to file by the end of the year. Councilmember tovo?

[12:09:00 PM]

>> Tovo: Thanks. I wanted to provide clarity why we have two resolutions that are basically very, very similar on the agenda. So I think that the mayor -- I responsibility speak for the mayor -- but I will say that, you know, I was responding to concerns I heard from the community about, one, the lack of progress on this issue generally. And, two, the fact that we're closing in on the end of a calendar year, which is kind of our deadline for setting up that tax increment financing district. And there was some conversation around the fact that we're waiting for a staff recommendation on that and the staff recommendation maybe to not proceed with a ters. So I appreciate that the mayor and I -- we're both doing this and responding with some urgency. In the end, it just -- for expediency, made better sense to go forward with our separate resolutions than trying to merge them. But I support and I'm a co-sponsor on the mayor's as he is on mine.

[12:10:00 PM]

And there are a couple of differences I think. Well, one major one is that mine includes a discussion of the regulating plan. And this too is important. And I ran out of time between last Friday and today to recount all of the history. Some of that history is recounted in the memo that we received this morning as an update to the south central waterfront plan. I have been on the dais so I haven't had a chance to read it but I know that it has some of the history of this. But let me say that we have -- I know that the mayor and I have been in meetings with staff over the last couple years. I recently had a meeting with staff trying to see where we are on this. We have funded consultants to work on the implementation plan. We have a staff member who has now retired, but worked for several years on this project, and we have not made the progress that we need to. And it is a matter of urgency. We have a very major tract,

probably the largest tract in the south central waterfront that, is in the process -- going through the city process and about to redevelop. I was approached by a representative this week for

[12:11:01 PM]

another project in the south central waterfront overlay. We are going through our inaction as a city, going to lose opportunities that this community has spent literally decades envisioning for this area of the waterfront of the city of the Austin. So it is -- I am concerned that it has taken us this long and that it has taken now multiple council directives and several resolutions at least. I know that tif brought at least one resolution and probably some budget direction, in addition to other conversations that have happened off the dais. So, manager, I look forward to that presentation on the 16th. Thank you for signaling that we'll have that update on the 16th. And I think that at that time we also need to talk about the regulating plan. So councilmember alter, you had asked a question on the message board that may be around this. You wanted have me to provide more information on what is expected by November 1st and the

[12:12:02 PM]

downsides to allow staff to instead have to December 1st. I would -- in calling for -- I think that applies primarily to the regulatory plan versus the financing. I think that we've got a good strategy -- between my resolution and the mayor's, I think we have a strategy with the financing plan that I am comfortable with. I would want to revisit that zero percent as as soon as as we can, because we want to capture that value. If we agree as a council that that's the appropriate strategy -- financial strategy, we would want to revisit that pretty quickly. My call in asking for an update -- some of that may be covered in the memo already that we received this morning in terms of an update. But what I have heard in terms of the -- the memo in my skimming here just a second ago -- and it's one of 19 -- 19 documents open here on my computer. But what I heard in terms of an update on the regulatory plan had to do with hiring staff and

[12:13:04 PM]

at this point I really need an understanding of where we are with the regulatory plan. Again, we funded a consultant to do this work. We had significant conversations about whether it should go forward in advance of the ldc, the land development code, or in conjunction with. It was proceeding on and it was my understanding that it was ready to go before the land development code and then it was halted to go along with the land development code. And then when the land development code halted, the south central regulatory plan -- like, it's like the waller creek on regulating plan, it has been stalled. So let's get it -- let's get it done. Let's get it moving. Let's take the time that we need on the land development code, but why we're continuing to hold up these projects that are going to be moot by default if we don't get

moving is beyond me. And let me say that waller creek is another one. If we don't get that regulatory plan in place soon, we're going to have missed that opportunity

[12:14:05 PM]

to have an impact in that way over that area of downtown. It's unfortunate. We have made substantial taxpayer investments in those envisioning processes and those plans, in the consultants to do the work. Let's get them moving and done.

>> I appreciate that, councilmember. And let me assure you that staff has been working incredibly hard, but there are as you already pointed out multiple priorities. So what we'll also hope to get out of this work session on the 17th is to talk about those other projects that staff is working on. And we need to make sure that we're aware of the limited resources that we might have to be able to expend towards these. I also notice that you referenced a memo sent out this morning. In order to provide council appropriate context and an update on what progress has been made, we did ask for edc staff to deliver that and I see that Sylvia is with us this morning. If you wouldn't mind just spending a few minutes and walking through this memo, I

[12:15:06 PM]

can't imagine that all councilmembers were able to review it before this vote, but I think that it is important that you are able to see it and to look at the content of that now beforehand. Sylvia?

>> Thank you. Yes, we redistributed it and the acting director economic development department. We distributed a memo this morning providing an update where we are on the south central waterfront. And councilmember tovo is correct, we provided background, concerns of who will lead -- the lead department and the implementation team, the activities concerning regulatory plan, one Texas center, public financing option. And as mentioned we will come back on November 16th at a work session to provide an update of the full plan to council.

[12:16:07 PM]

>> Mayor Adler: Okay, thank you. Councilmember tovo moves passage of 45. I second it, I move passage of 44. Councilmember tovo seconds it. Anyone with objection to incorporating the amendments of councilmember alter? Seeing none, those amendments are incorporated. Any further discussion on these two items?

>> Mayor, if I could, again, the chief financial officer. In regards to the councilmember tovo's resolution, it does call for a November 1st date and I have conveyed to her office that our financial staff who is

needed to finish our financial analysis -- they're currently on vacation and we absolutely need those individuals to complete that work. Again, we're targeting a November 16th briefing to council that I think that will provide all of the updated information that you need to make a decision pertaining to a ters, but we simply can't achieve that by November 1st.

>> Tovo: I'm comfortable, mayor, based on shifting it to November 16th.

>> Mayor Adler: Any objections to that amendment?

>> Tovo: The regulatory piece

[12:17:07 PM]

speaks to the work that Alan holt and others have been working on and I know -- I mean, this project outlasted Alan holt and he's now retired. But I think that getting an update on where the staff got to with regard to the regulatory work can -- I hope that could be done by November 1st. Or some time before November 16th, so that we can be prepared to discuss that too. And councilmember alter, I'm not sure that I answered your question -- because I got distracted by talking about the plan more generally. But in terms what I expect by that period with regard to the regulatory plan, I'd like to really understand exactly what

-- what work has been done with regard to the regulatory plan. And exactly what work is left, along with the timeline for getting the work before council so that we can make some deliberations.

>> Mayor Adler: Okay.

>> Tovo: And make some decisions.

>> Mayor Adler: Any objection to changing that day in the motion from November 1st to November 16th? That concerns the financing work.

>> I just had a question to ask.

[12:18:08 PM]

If Mr. Haney knew that would be an attainable goal to get it completed by then, knowing your employees' workload?

>> Yes, ma'am, it is. Because this is something that we had already been working on as we mentioned and so we're not starting from scratch here. We have most of the components needed and just need to finish running the final financial clailingses.

>> Mayor Adler: That change is made. And let's take a vote on these two items. Those in favor please raise your hand. Those opposed? Those two items pass unanimously. Colleagues, we're going to now

move into citizen communication. We have five public -- public communication. We are going to listen to the five speakers and we'll probably take a break for 45 minutes to an hour and we'll talk about that and we'll go an hour on homelessness briefing. We'll probably start the speakers on -- on zoning 15 minutes late or whatever that would correspond to. So if you would go ahead and

[12:19:08 PM]

call the five speakers that we have.

>> Mayor, which briefing is first?

>> Mayor Adler: Homelessness is going to go first.

>> Okay. Okay, the first speaker is present and it is Heather McCormick.

>> Before we start the timer, may we have the slide projection?

[12:20:35 PM]

>> Good afternoon, mayor Adler and city councilmembers. My name is Heather McCormick and I am here to address with you intolerable, dangerous encampments in the city's country club greenbelt. Just north of Ben white in district 3. This greenbelt used to be a jewel of our community. Where residents would hike and jog and bike with their families. Sadly, when city council decided to allow homeless camping, the number and the size of the encampments in the greenbelt exploded. And lawlessness became the norm. Here's what that looks like for our community. In this encampment, right next to many houses, there are hundreds of stolen bicycles. The camp cooks meth. The camp recently started a major fire in the greenbelt, complete with explosions from materials kept there for drug

[12:21:36 PM]

manufacturing. Five fire trucks had to respond. And all of us near the greenbelt stood watching the flames, hoping that people were safe, and that our houses wouldn't burn. This is bust one of the many camps in the greenbelt. Drug dealing is rampant and completely unchecked by police. And although there are no legal roads in the greenbelt, drug dealers drive in and out all night long. Literally 15 feet from my neighbor's bedroom window. The same neighbor has had campers attempt to break into his home. Although some campers are peaceful, others are threatening and violent. There have been dozens of gunshots in the greenbelt. According to police, campers have set booby traps to caused cause bodily injury such that the police will no longer go into the greenbelt at night. Packs of vicious dogs from the

[12:22:37 PM]

camp have twice attacked neighbors, shredding their arms and legs and sending them to the emergency room. Even the other ones foundation won't go into this greenbelt anymore due to safety concerns. Even in peaceful camps, the squalid living conditions and environmental degradation are stunning. Could you please go two slides ahead. See this slide of encampments all along the creek bed with trash and waste as far as the eye can see -- city blocks worth. Destroying the watershed. Despite our community's repeated pleas since the passage of prop B, nothing has been done to remove these encampments or to address the accompanying serious crime. Councilmember Renteria, particular shame on you to fail to even respond to your district

[12:23:39 PM]

3 constituents. 30 seconds please. Local police say they --

>> Mayor Adler: You can finish the thought that you have.

>> Okay. Local police say they have been instructed to not enforce prop B in this greenbelt. Obviously, the city is enforcing prop B --

>> Mayor Adler: Thank you very much, thank you.

>> In other areas.

>> Mayor Adler: Thank you.

>> Mayor, I will send the written materials. And --

>> Mayor Adler: We can't do that for everybody over the course of the day and it adds up and we just lose control of the meeting. But if you get the materials out to everybody that would be will be great.

>> I will circulate to councilmembers via the clerk.

>> Mayor, I have a quick question --

>> Mayor Adler: It looks like several people do. Councilmember kitchen and then councilmember tovo and then councilmember Kelly your hand was raised.

>> Kitchen: Councilmember Renteria, I would be happy to work with your office. My staff has some -- has some experience with some areas in district 5. So I'd be happy to work with you

[12:24:39 PM]

on this.

>> Mayor Adler: Councilmember tovo.

>> Tovo: Yeah, I wanted to ask the speaker. Number one, I just need to emphasize since we're having this conversation that nothing the council did ever -- ever allowed camping in greenbelts around parkland. So it concerns -- what you are describing concerns me a great deal for all kinds of reasons, including that as you've provided information that there are acts of -- there are actual crimes taking place there. And fires and other things. So my question for you, and then I probably will follow up with one for our manager is that clearly you've had 911 involvement, and your community had 911 involvement with a fire there and fire responding. Can you provide us on the council with a record of those 911 or 311 calls that your neighbors have, to the extent that you have them. I'm interested to know what kind of follow-up and what kind of reporting happened and what kind of follow-up in addressing the issues that you have raised.

[12:25:41 PM]

>> We'll have to ask Austin P.D. For help with that. They frequently get reported to the homes and not the address of the greenbelt so they're not properly aggregated is my understanding from APD. And after the passage of prop B, let alone before it, they were instructed not to enforce property in the greenbelt by state and we got no help prior to prop B and we have no help now.

>> Tovo: But again to clarify -- public camping was never allowed on parkland. APD should not have been providing information to constituents that they were not allowed to enforce -- especially breaking of law. And so, manager, I guess that I would ask you -- and the reason that I'm asking -- I know that councilmember Renteria and others have asked on this dais and talked about this in the past. When I hear from my constituents, when I hear from my constituents they are receiving information that they

[12:26:41 PM]

cannot enforce -- that city employee cannot enforce a city regulation, I asked them to provide a name and have sent it on when that information is forthcoming. I would say if that happens again and you and your neighbors hear from a city employee they're not in a position to enforce a city regulation, you would communicate with your councilmember or whoever is appropriate. That is not accurate information. I'm sorry that you and your neighbor received that response. Manager, I call you on to confirm what I'm saying that camping is not allowed on parkland and the city staff under your management ought to be enforcing our regulations?

>> I agree with the sentiments that you have, councilmember tovo. And if I hear about these -- and we'll certainly look into this case in particular, if you have been meeting with the city staff already, but we'll follow up with you after this meeting.

>> Thank you. For your knowledge, where this may have occurred, multiple police told us that the city's attorney office wasn't telling

[12:27:42 PM]

them that it was illegal to enforce the ban on camping unless there was a place to send the homeless to live. And that they were specifically enforced -- specifically instructed by the city attorney's office not to enforce the ordinance.

>> Mayor Adler: Councilmember Kelly.

>> Kelly: Thank you, and thank you for coming up and speaking about this specific location. I want to encourage anyone across the community who has concerns to please reach out to all of us here so we can address them. I know that it must have been very frustrating to go through that process and to not know how to come to council or address this. So I appreciate your courage in coming here today. Thank you.

>> Mayor Adler: And I'd also like -- well, councilmember pool, I don't know if you want to go first.

>> Pool: I heard similar --

[12:28:43 PM]

similar reports from what you were saying to police officers who would be called to respond for a request for assistance in my district and they were also saying that, you know, that they either didn't have sufficient climate or couldn't do this or that or the next thing. And that is really unfortunate. It was not a policy or a directive from this council. In fact, we were very -- very specific when we made some changes to ordinances that parks were, in fact, always had been and never were -- always had been -- camping was never allowed in parks and we never changed that. And we know that some of the police officers were out there saying that it was their fault they couldn't go in and enforce the ordinance. I think that APD was very clear on the concept that we knew that they were saying that and we did not agree with that, because that was not, in fact, what this

[12:29:44 PM]

council had directed. And it's really unfortunate that that misinformation continues to be spread in the community. And we -- and I call upon all of our officers with the police department to recognize the policy directives from this council. They are sworn to protect and to serve. And that goes for everybody in the community.

>> The cops are our allies and have very much been wanting to enforce this ordinance. They received specific instructions from somewhere in the city not to.

>> I understand that, it did not come from here.

>> Mayor Adler: So I want to appreciate you coming out. The pictures that you have shown are -- are of locations that are incredibly concerning. And the first time that I walked through a camp like the one in your picture -- it was probably like seven years ago, and it was in part because I was walking through camps that looked like that in our city seven years ago

[12:30:46 PM]

that -- that it became increasing over time, or a higher and higher priority of this council to do something to

-- to alter that. Because those camps preexist prop B, they preexist the action that the council took two years ago and they're all over the city. There was an announcement today that I was encouraged to see and a briefing on homelessness that's going to be starting here probably in a little over -- well, 45 minutes to an hour and 15 minutes where you can see how the community has gotten together -- the city, the county, the chamber, the downtown Austin alliance, to actually put the resources to an operational plan to get 3,000 people off the streets -- additional people -- and get them into housing. Which is what we need -- what we need to do. So I appreciate the concern --

>> Mr. Mayor, I have heard you say that there are 3,000 home

[12:31:47 PM]

unless the city. And anyone who works in the homeless know that there are 7,500 to 10,000 in the city. We worked and had this problem under control and it burgeoned after the camping ordinance -- or camping was allowed by the city council, for which this body is accountable to fix the problem.

>> Mayor Adler: I hear you. I just don't think that this council created any people experiencing homelessness. We have people in our city that have been experiencing homelessness. I appreciate that you may not have seen them, but they were here --

>> I did, I lived there.

>> Mayor Adler: We didn't create people experiencing homelessness. And we'll do everything that we can to get them off. But if you're hearing from a police officer that they have been told not to do their duty and enforce our laws, chief chacone would like to have their badge number. So you could help. And if somebody in the legal staff is improperly telling them that so that they're working with that bad information, then

[12:32:49 PM]

we need to find out where that is coming from so we can fix it. So your help in fixing that would be appreciated.

>> Mayor -- I don't have a question, but I want to make a comment. You know, I grew up in this city and I have been here 71 years. And there have always been homeless in this city. It used populated right there on the river before we built, and we called it hobo town. That's what we called it, all along that creek -- historically it was there always, because we have never addressed the issue of providing affordable housing. We're doing a catch-up job right now. But I have photographs on my camera that I took when I went down into those sites and I saw the trash that had been accumulating in our creeks and our rivers because of the homeless population.

[12:33:50 PM]

In our wetland as -- and I mean, it -- all over the place. And we did something, we -- we tried one thing about getting them out in the open so we could clean up the trash so it wouldn't be washing away into our rivers and our creeks. And, unfortunately, we -- covid came and we couldn't address any of these issues. And for a year we couldn't do anything if people did not want to go into those locations and clean it up. Now if the APD have problems with enforcement law, they should just come and tell us about it. You know, you hear that all the time. Every time that there's -- and we get feedback that these officers -- but we try to find out who are these officers that are saying that to the people when they call. And so that we can correct that

[12:34:52 PM]

issue, because if we have police officers on this force that's not addressing the issues, then they shouldn't be here. They should not be a police officer. If they cannot do their job. We have the highest paid police officers in the state. The state of Texas. And if they can't do their job, then they don't belong here.

>> Mayor Adler: All right, so -- so -- so we're going to -- we're going to go ahead and move on. We're going to go ahead and move on. I appreciate you being with us today.

>> [Indiscernible].

>> Mayor Adler: And in conversations that I know that we've all had with the police chief, you know, -- my belief is that our officers are, in fact, enforcing our laws and are, in fact, doing their duty. I don't

want to create an impression off of this that -- that either I or anyone on here doesn't think that's true. But if there is a rogue officer or a rogue city attorney or

[12:35:52 PM]

somebody, we just need to find it and we can then deal with it. Councilmember kitchen.

>> Kitchen: I just wanted to say one thing. I do appreciate you coming and talking with us. I understand that you are here because you have a problem that you need help with. So I want you to know that I'm hearing you and I think that my colleagues are and we will follow up with you.

>> Mayor Adler: Okay, let's go to the next speaker. Rubin have vera-connente.

>> Mayor Adler, I'm concerned -- never mind.

>> Let me start off by saying that I really hate being here, but, unfortunately, I have been dealing with the police over a decade and a half. And I don't know how to stop them from harassing me. Last month I was threatened.

[12:36:53 PM]

Please look at me when I'm looking at you. I bought this yesterday -- I was looking at it for over an hour. Buffalo soldiers. I want you to have an impression of this. The reason that I bought this -- and I have been looking for over an hour -- the reason is because I said just imagine what these men went through during those times. How much suffering they went through. Well, I'm going through the same thing with the police. From the crime unit. And I've actually called commander Jason brown, which I don't know that he's here or not. I have been calling him, and I hate the ones that I call here, whether you have a message on your phone that says if you leave your name and number we'll get in contact with you. That doesn't happen.

[12:37:53 PM]

And, city manager, I gave you several calls. Because of the harassment I received for this long, I've actually started calling the department of justice, civil rights division special litigation. And I -- I didn't just start that. I did that years ago. But I'm starting again because this is ridiculous. I don't know -- man, I'm just trying to enjoy life with my grandkids. I shouldn't have a young man threatening me. And I refuse to lay down and get walked on by police. This Monday I confronted police and I asked for his name and badge. You know what I got from him? A smirk, a smile. This is -- this is -- I'm tired, man. I

really am. You guys are the ones that are over the police. I was there both days of the three final candidates for the police chief. And that second day if you would have saw it, I gave chief Chacon

[12:38:53 PM]

a letter, and now he's the chief and I told him this letter that I wrote, I'm willing to say under oath. And that was August 19th. And I'm still being harassed. When is this going to stop? When is this going to stop? I'm tired. And I -- this is my situation now. You know, I can't even tell you what my son went through and my grandson was shot in January 24. And in which the police told my daughter-in-law, well, we have something more important. To where my son, Rubin Jr., had to pick up the shells and then pflugerville police department did a courtesy report. This is not policing. And it is a serious problem and you guys need to get on it.

[Buzzer] I just have to say this because I actually called Chacon, his number, his secretary, and I congratulated him for being in

[12:39:54 PM]

the job, but but by the same token I made it clear that I hope that he succeeds in trying to get this thing straight because I want to have trust in police.

>> Mayor Adler: Thank you. Angela Garza.

>> Mayor and city leaders. It's been about two years since speaking up here. I do want to say that we made it through World War three in our city, losing so many family members. I want to thank so many people that helped, Natasha harper-madison and Vanessa Fuentes and the people in the community with us and helping to us throughout this pandemic. And I have a few asks. We have those making millions of dollars in our communities. When we send a message as a community that we're going to decline petitions or anything like that in our community, and

[12:40:54 PM]

we have taken in the same spirit for Vanessa Fuentes to listen to our communities, the same spirit to listen to developers, we have listening sessions with each separately. When we send a message to them that we don't have a mayor, mayor pro tem or city leaders behind us, they come in with an arrogance that is unfortunate to our communities that they can do pretty much what they want. And we are asking for that support going forward that you will trust our contact teams, trust us to deliver the message and the information that we're doing so much work on the ground to do every single day our contact team of five now that has been doing so much incredible work for the last six months. Not taking a day off. So

that we can make sure that we get these correct messages to you. The other thing is that no one is against affordable housing -- we're not, if it makes sense for the neighborhoods. And we want to look at that and make sure that no one is tapping into a program that we have there to provide more real affordable housing, not for a

[12:41:55 PM]

reason to make more money on that. So my other thing also -- we have a few asks and, again, on behalf of the community, thank you. A few asks that we're asking for is a printer in east Austin so we can be more effective and efficient with our city leaders so they don't have to come downtown to print items and you can put a code in to budget that and monitor that as well as we're using it. Another ask that we have is to have the support of our team. We have a meet coming up with mayor pro tem that we're going to be talking about how we're beautifying east Austin and how we need your support in that as well. And working together -- we don't expect you to do it all. That's not our goal to expect to you do it all. And we have that meeting coming up and we'll talk about that and how to build a more united front together as we work on the initiatives that we're trying to work to get our homeless out of the streets as well. Another thing that we are working on is to remove the signs for homes for cash. We did a respectable tour of

[12:42:56 PM]

west Austin, those signs are not there anywhere. We don't want those in our streets. We don't want the people believing they can buy our area for cheap. We don't want that. We don't want our people being hunted as well. So we're asking signs to go up and here's how you can get social conscious signs instead.

[Buzzer]

>> Mayor Adler: You can finish your thought.

>> Okay. Social conscience signs instead where you can get help if you are homeless and you need housing and you are about to lose your home as well.

>> Mayor Adler: Thank you.

>> I have a question.

>> Mayor Adler: Yes, mayor pro tem. Can you explain what you mean by the printer?

>> Tanya Nixon was with us. We're out there with her community all the times. One of the ladies let us know it would be awesome to have a printer, so when you need us to help with proposition a, we can print those things and get them out, or you need something that needs to go out like city

[12:43:57 PM]

council needs something to go out and we need to deliver something to the community, they want an area to be able to print that stuff so they're not paying to print all that out. Does that help?

>> Harper-madison: It does. Mhmm. Thank you. I was thinking outside of libraries, which will exist, I'm trying to think of what resources it is that you were talking about.

>> We're talking about the actual neighborhood associations that need to deliver all this information, because it's becoming costly for them.

>> Harper-madison: I'll send it to you, but there are multiple neighborhood association organizations that have multiple within the collective. And so what we'll do is send out resources for those kinds of asks. But it occurred to me when you said that that we have a technology, telecommunications commission. I wonder if that's a question to put before them to see if there are organizations, manufacturers, etc., in our innovative city that might want to offer --

>> That would be so awesome.

[12:44:58 PM]

>> Harper-madison: Printers to neighborhood associations.

>> You have no idea, Natasha.

>> Harper-madison: We'll definitely be in touch. Thank you for clarifying.

>> Mayor Adler: Thank you very much. Rafael Sanchez. Is Mr. Sanchez here? I think our last speaker, Sally Howard, may be on the phone?

>> Yes. Sally Howard?

>> I wanted to talk -- did you know that 50% of the teens that die each year are passengers of teen drivers? Last year in Austin, almost 1,000 teen drivers were involved in auto collisions. Nine were killed. Good afternoon, members of city council, city manager and citizens. And welcome to national teen driver safety week. My name is Sally Howard and I have been working with you for over 25 years, which tells you I have a passion for youth.

[12:45:59 PM]

I am a licensed clinical social worker and I have mostly worked with high-risk youth in individual and group counseling, focused on mental health and trauma. Believe me, I was shocked when I heard that car crashes were the number 1 killer of teens and that car crashes are 100% preventable. I stand here

before you so that you and members of our wonderful community would join me and other safety partners to take the time this week to talk to our teens about how important it is to follow the rules of the road. Don't drive in pairs or distracted. Put away all handheld devices. Buckle up every trip, every time, and everyone. Eyes on the road, hands on the wheel. Obey all posted speed limits and limit passengers. Parents, studies show that you have the most influence when it comes to your teen's driving, so model good driving behavior. They are watching. Develop driving -- and continue

[12:47:01 PM]

to practice with them even after they earn the privilege to drive alone, because studies show most crashes occur within the first year after they earn their driver's license. And let's teach our teens how to speak up for safety when they are passengers of reckless drivers of any ages. I end my comments by quoting a 10th grader at Anderson high school, a member of the Austin youth council. She is not here right now. She says, car crashes are the number one cause of death for teens in America. As someone who just started driving, the fact that eleven teens die every day due to car crashes really freaks me out. However, crashes are preventable. Car crashes don't happen because bad teens are doing bad things. They happen when good teens, even a good driver, doesn't have all their focus on the road. For me, my family and all the drivers out there, please make the right decision on the road.

[12:48:02 PM]

Don't text and drive. Keep your focus on the road and be mindful. Thank you for your time.

>> Mayor Adler: Colleagues, those are all our speakers. It is ten minutes until 1:00. I don't know how long a lunch you would anticipate taking if we were going to take an hour for lunch, I think the schedule would permit that. We could come back at ten minutes to 2:00. We could do the Austin housing finance corporation just before 2:00. Then I would suggest we do the speakers at that point on zoning. There are like eight of them, in the discuss cases, but hear speakers rather than asking them to wait for 45 minutes. Then we'll do homelessness for an hour. We'll come back and do the zoning, which I think has just one discussion item. And we'll do the Kroll briefing and then we'll take the balance of our work. If that works for everybody,

[12:49:04 PM]

we'll come back here at ten minutes to 2:00, Austin housing finance corporation, speakers at 2:00, homelessness briefing. Okay? We're recessed. The time is 12:48.

[1:43:19 PM]

[Music].

[Music].

[1:45:02 PM]

>>> >>> >>> >>> >>> >>> >>>

[2:03:50 PM]

>> Mayor Adler: We may have some people that are back behind us, one, two, three, four, five. Is Natasha with us virtually? I don't see her.

>> She's logged in but I don't see the camera on. Mayor Adler Natasha, are you with us?

[2:04:58 PM]

>> Mayor Adler: All right. Let's go ahead and reconvene the Austin city council meeting on October 21st, 2021. It is 2:04. We have a quorum. We're going to begin my recess egg the Austin city council meeting and opening up the Austin housing finance corporation meeting. Today is October 21st, 2021. We are meeting Austin housing finance corporation here at city hall. We have a quorum present on the dais. We'll go ahead and work our way through the consent agenda, but for the record, thank you, manager, we have note that Austin housing finance corporation item number 3 is withdrawn and replaced with item 6. Item number 3 is replaced with addendum item -- no, that's the only one there,

[2:05:58 PM]

but we do have three late backup items. Item 3, 4 and 5. So let's turn it over to staff. Do you want to take us through the consent agenda?

>> Jamie may is going to do that for you, mayor.

>> Good afternoon, mayor and council. My name is Jamie may, the acting housing and community department development officer for the housing planning deposit. You do have five items on your

agenda for you today, two of which, item number 2 and 6, concern acceptance of \$23 million from the Austin transportation -- \$23 million from the Austin transit partnership. That is to amend our budget and to amend our operating agreement with city of Austin. The other two items on your agenda are both for the

[2:06:58 PM]

acquisition of land for the development of affordable housing. One is at 2200 grove boulevard. This property is currently owned by Austin energy. It is approximately 18 and a half acres. The second property is at 4003 convict hill road, approximately two and three-quarter acres, in district 8, and this convict hill road parcel will be part of an assemblage. Both parties -- we will issue rfps in order to develop these properties into affordable housing. We offer all five of these items on consent and I'd be happy to answer any questions.

>> Mayor Adler: Okay. So the items on consent bottom line are which numbers?

>> Sorry, one, two -- excuse me. One, three, four, five and six.

>> Mayor Adler: One -- one, two --

>> Fourth quarter five and

[2:07:59 PM]

six, yes, mayor.

>> Mayor Adler: One, two, four, five and six on the addendum. Is there a motion to approve the consent agenda? Councilmember pool makes the commotion. Councilmember Kelly seconds. Any discussion on the consent agenda? Let's take a vote. Those in favor of the consent agenda please raise your hand. Those opposed? Everyone on the dais except for councilmember Casar, the other board members voting aye on the consent agenda. And the mayor pro tem is on the screen. She's with us, she's

[indiscernible]. With that we're going to adjourn the meeting of the Austin housing finance corporation corporation here at 2:08 and at 2:08 we'll

[2:08:59 PM]

reconvene the Austin city council meeting here on October 21st, 2021, Austin city hall. We have a quorum present. Colleagues, I want to get to the speakers we have, but before we do speakers I'm going to have Jerry go through the agenda for us because it looks like almost everything that speakers have

signed up for is being postponed. So I think it could easily be that most if not all of the speakers might choose not to speak today since it looks like their items are going to be postponed. So Jerry, do you want to take us through the consent agenda?

>> Sure, mayor. Jerry rusthoven with the housing and planning department. The first item I can offer for consent is item 32, c-14-2021-0126. I can offer this case for consent approval on all three readings. Item number 33 is case c-14-2021-0081, I can offer

[2:09:59 PM]

this case for consent approval on first reading. On this case I would like to say that the first reading includes the motion of the planning commission which consists of the motion in the backup between the backup and the old west Austin neighborhood neighborhood association and we'll be incorporating the conditions that we're able to into an ordinance at second and third reading. Item number 34 is case c-14-2021-0118, I can offer this case for consent approval on all three readings. Item 35 is c-14-2021-0040, I can offer this case for consent approval on all three readings. Item number 36 is case npa-2021-0026.01, this is a postponement by the applicant to neighborhood to November 4th. The related case is item 37, case c-14-2021-0039, also postponement request by the neighborhood to novemberth. Item number 38 is case t4n

[2:11:01 PM]

2020-0143, this is a postponement by the applicant to November 18th. Item number 39 is case c-14-2021-0059, I can offer this case for consent approval on second and three readings. Item number 40 is case c-14-2021-0009. This is a postponement request by the staff to November 4th. Item number 41 is case c-14-h-2021-0057. I understand that councilmember pool would like to postpone this item to November 4th. Item number 51 is case t4n-2021-0033. I understand that.

>> Harper-madison: Council member Harper Madison would like to postpone this case and the related item is c-14-2020-0037, also a request by mayor pro tem harper-madison to postpone to November 2nd.

[2:12:02 PM]

And finally item 53, I can offer this case for consent approval. That concludes the zoning addendum, mayor.

>> Mayor Adler: Okay.

>> I have a question on item 35 as currently on consent. Have we received the rc yet for this item?

>> I'm sorry, for which case?

>> The crozier lane zoning, item number 35?

>> Has a restrictive covenant been submitted?

>> I would have to go back and look real quick.

>> With that I'd like to see if we could only have this on consent for first reading only.

>> Mayor Adler: Okay. I tell you what, let's make

[2:13:02 PM]

sure we do not pass it on the consent agenda. Let's give him the eight speakers speaking to see if he can answer your question, okay? So the consent agenda is items 32 through 53. They're all on consent. We're going to be checking on item 35 here. Speakers, let's go ahead and call the speakers. Let's note for the speakers that pretty much the cases that people have signed up for have been postponed or are on consent. Item 32, for example, is consent passage. And item 51 is being postponed. But let me call the speakers to see if people want to speak. We have two that are in person. Mr. Hughes, some Hughes, are you here? No. You were going to speak on item 32. It looks like it's on

[2:14:02 PM]

consent to pass anyhow and you were for it. Eric Standridge, item number 51. A postponed case. Is Eric here? No? Anybody else present here who thinks they signed up for a zoning case? Hearing none, do you want to take us through the folks who have called in?

>> Sure. Monica Guzman?

>> Can you hear me?

>> Yes, go ahead.

>> Okay. I'm not totally prepared, but good afternoon, mayor and council. I'm Monica Guzman, native austinite, district 4 resident, eastern crescent coalition member and housing advocate speaking in opposition to items 36 and 37. I have ties to the rundberg community going back 30 years. I graduated from Lanier high school. I lived in the north Lamar neighborhood in the 90s as well as during most of the past seven years, not far

[2:15:03 PM]

from the lots in question. Many of the residents within half a mile of the browning Grady intersection or low income, non-english speaking homeowners and tenants. The statement I sent to council three years ago because it is still sadly applicable today. One, as mayor Adler posted on the message board, challenges such as affordability, displacement, gentrification, flooding and traffic are getting worse, unquote. You're right. They are. Council's focus should be on addressing those challenges. Two, another quote from the mayor. We must deliver for our constituents and our city's future, unquote. Both of those statements are recently referenced codenext and the soccer stadium, but as I said before they are still applicable today, every park, road, residence, it's, which is built, rehabbed,

[2:16:06 PM]

renovated, are all examples of the development code and action. We know how the land development code has led to displacement of residents, vulnerable residents, gentrifying, well established neighborhoods. I ask you to deliver for your constituency and Austin's future by denying the developer's request. Austin is experiencing a housing crisis, specifically a crisis regarding lack of housing affordability. Building condos in a low income community is not the answer. Your approval will pull the gentrification level. Thank you.

>> Mayor Adler: Sounds good. Just to note items 36 and 37 are being postponed at the request of the neighborhood. Who is our next speaker?

>> Eric Jansen.

>> Can you hear me?

>> Yes, go ahead.

>> Hi. This is Eric Jansen.

[2:17:07 PM]

I live at 1511 east 13th street. I've lived there since 2006 and I was speaking about item 52 on the agenda, which I understand has been postponed.

>> Mayor Adler: That's correct, that will be a postponement.

>> Since I was here and you are here I would like to talk anyway.

>> Mayor Adler: You have ever right to.

>> I'm sorry?

>> Mayor Adler: Yes, go ahead.

>> I'd like to first thank the urban renewal board for their work over the past few years to streamline and you align the documents that have been presented to council. Specifically as a residents of the neighborhood whose property is directly adjacent to the nccd's subsection 2, I'd ask the council not to increase the maximum height via a db program or any other means or grant unlimited floor area ratio on lots where currently the F.A.R. Is otherwise set by base zoning or nccd provision. Speaking as a resident, many of this in the area have already given in the

[2:18:08 PM]

interest of increased density to Austin. We believe increased density and the nccd represented the neighborhood's willingness to accept increased density in these areas. So further increases to that density will almost certainly damage the residential quality of the neighborhoods. Many of us are already concerned that the existing density prohibits -- permitted under the nccd is already going to stress that neighborhood quality. Further, the current work of getting to these recommendations has been the result of thousands of hours of community negotiation and caused residents like myself innumerable headaches and worries over the years. We are somewhat weary of having to stand up and work so hard to protect the quality of our neighborhood. Thank you.

>> Carmen Ilanes-pulido.

>> Thank you, mayor, mayor

[2:19:08 PM]

pro tem and council. And thank you for the confirmation that items 36 and 37 have been postponed. Since I already struggled to be on the line I'm just here to say I'm concerned about this kind of zoning which I think-- [inaudible].

>> Mayor Adler: Did we lose Carmen?

>> She's on the line, we just can't hear her. I will disconnect and reconnect. Carmen?

>> Thank you. Sorry about that, struggling with the line. I'll quickly say that I think this is a type of spot zoning. What we're seeing is an inequitable proposal especially when you consider the issues that these

[2:20:10 PM]

particular communities along north Lamar have faced for so long. I do believe that they are open to giving money on those corridors and managing growth and you've heard from neighbors who participate in neighborhood planning, how to manage that growth on margins and nodes. But I think

coming into this part of the neighborhood with this level of housing which really is not adding to the stock of affordable housing for this particular area is potentially a mistake. So I appreciate the additional time being given. This is a really difficult time for people to continue to organize in order to protect as has been mentioned. Plans that were engaging people for thousands of hours previously. So please consider equity in this decision when it does come to you. Thank you.

>> That concludes the speakers.

>> Mayor Adler: Great,

[2:21:10 PM]

thank you. Jerry, do you have an answer yet on item 35.

>> Sure. Councilmember Fuentes, there's not a public restrictive covenant associated with this case. We do have a really lengthy conditional overlay of permitted uses and also what applies along the southern property line of the adjacent mobile homes through bass not a public restrictive covenant. You may be thinking of the conditional overlay.

>> Fuentes: No. I know there was conversation of a restrictive covenant, so if it's okay, colleagues, I'd like to just keep this on consent just for first reading.

>> Mayor Adler: Anybody have any objection to just first reading? Hearing none, item 35 will be on first reading and stay on consent. Is there a motion to approve the consent agenda? Did I ask for this yet? I don't think so. Is there a motion for the consent? Councilmember kitchen makes the motion, councilmember Kelly seconds. Any discussion? Those in favor please raise your hand.

[2:22:11 PM]

Those opposed? It's unanimous on the dais with councilmember Casar off the dais.

>> Thank you, mayor and council. >>

>> Mayor Adler: Thank you, Jerry. Let's do the homelessness briefing and then we'll figure out what happens next. Colleagues, I'm showing that -- in fact, before we leave this while we have Jerry here, item number 50 was is public hearing on the urban renewal plan. I noticed in corrections that it's been proposed to December 2nd. Is there any objection to postponing that? Hearing none, item number 50 is postponed. All right. When -- the other things that we have left when we -- after this briefing, colleagues, we have item 20 and 19, which are the parkland dedication and the park operations issue. We have the Austin finance

[2:23:11 PM]

committee bringing us the bylaws to the animal commission. We have two public hearings on sobriety center and central health appointment. No one signed up for either of those two things, items 48 and 49. And then we have the Kroll briefing. Those are the things that are left on our schedule.

Councilmember tovo?

>> Tovo: Mayor, I was going to suggest, I'm not sure they're public hearings. I think 48 and 49 from the public health committee are relatively easy ones unless there's much discussion, and I was going to suggest that we go ahead and get those done and then also I wanted to make the request that after the -- after the homelessness briefing and before we get to the Kroll briefing if we could take up the parkland items.

>> Mayor Adler: 19 and 20. Is that okay with the manager?

>> Yep.

>> Tovo: But if it's okay with you, I would -- I'd be prepared to make a motion for 48 and 49.

>> Mayor Adler: Let's go ahead and do that. I said public hearing and I

[2:24:12 PM]

was wrong, those are just committee reports. Councilmember tovo moves passage of items 48 and 49, referred to as the sobriety center appointment. Is there a second? Any discussion? Those in favor of items 48 and 49 please raise your hand. Those opposed? It's unanimous on the dais with councilmember Casar off. That takes care of 48 and 49.

>> Alter: Meyer, could we take care of 29 as well?

>> Mayor Adler: Let's take care of the animal commission. 29, councilmember alter makes the motion on item number 29. Is there a second to that motion? Councilmember pool seconds it. Discussion? Yes, councilmember Kelly.

>> Kelly: I actually had some questions for staff and I was wondering if I might be able to ask those now?

>> Mayor Adler: Yes.

>> Kelly: Do we have staff available for item 20 --

>> This is item 29.

>> Kelly: I'm sorry, I have that right here, wrong

[2:25:15 PM]

paper, 29.

>> Mayor Adler: We're okay?

>> Kelly: 29.

>> Mayor Adler: Those in favor of item 29 --

>> Kelly: No, I still have questions for staff. I just had the wrong number in front of me. I apologize.

>> Mayor Adler: No problem. We're going to table 29, do the homelessness briefing and then we'll come back.

>> Ready?

>> Mayor Adler: We're ready. I didn't mean to lose you,.

>> Good afternoon, mayor and council. Because of the canceled work session we have two briefings for you today during the council meeting. First is an update on the American rescue plan act homelessness response system investments and that will be done by our homeless strategy officer Diana Gray. Welcome Diana.

>> Thank you, mayor and council members. Before I get started I wanted to take a moment to comment on the citizen communication that you heard just an hour or so ago regarding Country Club Creek about the very concerning

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conditions there. So staff is aware of it. Last week the homeless strategy division, ACM Hayden-Howard, Park Director McNeely and the district reps met about the site and discussed it. We know that APD and Park have walked the site I believe with that particular neighbor, but with other neighbors potentially as well. And are in the process of developing a plan to address it. And I want you to know that we are continuing to work with a dozen or so departments that touch the many encampments across our city and have asked OPM, the office of performance management, to come in and help us develop a workflow and a protocol for really identifying these sites before they get to this point and this level of concern at the community so that we can coordinate services ideally in a more orderly and timely fashion. Today, however, we are

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talking about the spending plan for the American rescue plan act funds around homelessness. When council approved the ARPA spending framework in June and set aside a total of \$106.7 million for the purposes of addressing homelessness in our community, they asked for a number of additional points of information and report back before we passed a certain threshold of spending. So today we are here to

provide several of those pieces of information to you, including a detailed investment plan related to the overall summit effort and an update -- you asked also on an update for fund-raising and governance from the leaders of the summit to address unsheltered homelessness. I understand that that has been received today by acm hayden-howard we will be forwarding that to council member offices in the next day or two. We will also be speaking to some of the community

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engagement that you have asked us to do around the expenditure and investment of these funds. And then giving a more detailed description or break down of how we would like to allocate these funds for various purposes within our homelessness response system. At a high level, I think the takeaway here is that in June we were at about \$222 million committed of an overall summit fund-raising goal or investment needed of 515 and today with your commitment we stand at approximately \$400 million. And that we are recommending arpa spending across a number of categories that will catalyze new services and increase services across the continuum, but that still leaves room for our private partners to make investments to bring us all the way to scale. So as a reminder the submit

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is a collaborative community-wide plan, a planning process that occurred in March and April of this year. The city is one of the critical partners, but we are just one of the partners at the table there. At the highest level -- let me go ahead and move to the next slide. Thank you. The summit is intended to rehouse people or stabilize them in housing. So we are looking at re-housing 3,000 people over the course of the three year window of the summit and stabilizing an additional 2300 households. And through things like prevention or light touch assistance that can help them exit homelessness very quickly after they have entered it. We are adding to our housing capacity. So we project a 1300 units of affordable housing that is explicitly set aside for people who are exiting homelessness and then we want to invest in the system to make sure that the work is being done effectively and efficiently.

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There's approximately \$20 million dedicated in the summit investment plan toward that systemic investment. And I should say for housing capacity on the capital side that is the largest portion of the summit investment plan at 266 million. That is of course \$266 million that will serve this community over the next 30 to 40 years life of the units that we create. And that the direct service portion of the budget is 218 million. Next slide. So the graph before you represents both the anticipated investment over the course of the three years of the summit and the number of people rehoused. While there's substantial spending across all three years, I do want to point out that the blue column which is the

capital is heaviest in years one and two because we know that from the time we invest in those bricks and mortar

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units it takes awhile for them to hit the ground and that is happening in the early two years so that we can put those units become operational in years two and three. Also the number of people housed in a particular year speaks in year two and then decreases. We are still in a ramp-up period. The city has made substantial commitment, the county has made substantial commitment, but we are still in that process of getting new dollars out the door so we will see a gradual increase in year one and then really the bulk of folks housed or disabled will be in years two or three. Stabilized. So this table represents sort of distills the summit investment plan overall. It shows both the years in which we would anticipate investing dollars across the different categories, five

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major categories being crisis services, shelter diversion, street outreach, core housing programs which largely consist of permanent supportive housing and rapid re-housing and other services like mental health, employment services and benefits enrollment. In capital investments as we just discussed and in system capacity building. It also lays out correspondingly the number of people served in those core housing programs. In some cases in terms of the other services that is something that we will detail as we move forward. It depends a lot on the intensity of services that we elect to invest in within those categories. Council members had asked us to provide a detail of really what are the main interventions that we intend to invest in through this effort. And this slide gives a high level overview of those

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services. And particularly in terms of the services that are in the homeless response system shows a couple of things. One is that the intensity of the services and therefore their cost, varies quite significantly. And therefore the cost per person can vary significantly. People may receive services over the course of multiple years through the effort and past the timeline of the effort and they may receive multiple services. So as an example you could have someone who received services in housing -- in shelter, and had outreach services delivered to them, but then eventually we would intend for them to move into a permanent housing program that would be shown in the core housing program category. I'm happy to come back to this. I'm going to go through the slides, but if you have specific questions about the different interventions we're happy to speak to those directly.

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Again, of the \$515 million that makes up the total investment plan for the summit, in June we had about \$222 million that we had identified that was either already committed or that we could confidently anticipate securing through ongoing revenue streams at the state or federal level. As of today we're looking at 400 million or 78% of the total goal secured or anticipated. And so at this point there was actually -- I believe the mayor mentioned earlier we had a press conference this morning, summit leadership, announcing that milestone and really launching into -- in a robust way the private fund-raising effort that would be needed to secure the balance of the

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investment needed to fully fund the plan. Of the increase, it consists certainly of the city arpa dollars and a portion of Travis county's \$110 million of arpa funds that they also have committed for this purpose as well as increases in a number of other -- from a number of other funding sources. So when we look at overall the committed and anticipated funds for the summit at this point, of the 400 million, city resources account for just over half of that. The state actually -- there are resources at the state that we think that we can leverage that will provide about -- another quarter of those funds. Travis county at around 15%. And then the balance from our housing authorities, from private funders, and here where it says service

[2:36:30 PM]

provider that actually refers to echo and the continuum of care, the hud funds that flow through the continuum of care. Of the city's projected investment, at present with arpa funds and previously committed funds we are at around 210 million. Over half of that is from arpa, built is made up of affordable housing bonds of bonds, of housing trust fund commitments and a smaller portion of general funds. One of the things that council asked us to do before we got too far down the road in terms of committing funds from the American rescue plan act was to engage in a community -- to carry out a community

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engagement process, if you will. So we are currently in the midst of that. We launched a survey on speak up Austin on October 11th and that will be open I believe through approximately October 26th, so we will be complete by the end of the month. As of earlier this week we had about 2 -- over 200 respondents to that survey so we're getting good response and we think that we will continue to draw

feedback through the end of the month. And then we've had two virtual community meetings in the last week or so and have hosted over 100 citizens to provide us feedback on the preliminary spending plan and that included advocates, service providers, people with lived expertise. Finally, we approached the Austin homelessness advisory council which are people with lived expertise in homelessness and did a survey with those folks as

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wellment so we will be in the process of synthesizing all of this input, but do want to share with you a few themes that have emerge. We have been hearing -- that have emerged. We have have been hearing a balanced approach between shelter and permanent housing and an interest in particular in additional social and health services, to mental health, substance use disorder and development and crisis outreach. And we know this responds in part based in part on what we're hearing in concerns of enforcement of the camping ordinances as they have now been fully implemented and the lack of alternatives, places for folks to go should they face enforcement of that ordinance. So I'll turn now to specifically how we are proposing to allocate the

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arpa funds for homelessness. Before I dive into the numbers I want to share a couple of principles that we utilize to come to this spending framework. First of all, we want to use the arpa dollars flexibly. We at the city level and at the level of other government entities sometimes there are sources of funds that have -- that are limited to particular uses. And we also know that we anticipate substantial private investment in this effort and so if we have private investors that are interested in a particular area, excuse me, we would have some flexibility to adjust our spending levels over time to accommodate the areas of interest of our private funders. We also do want to catalyze activities in most of the categories envisioned in the summit plan. So we want to get started building out and expanding those services, but we don't anticipate as the city being the sole funder in any of

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these categories. We think that we've identified funding levels that seed those activities, that get us moving, and then that really open the door for other funders to come in and help bring those services to scale. The third piece is that we have endeavored to not use arpa dollars which are one time dollars for programs that require ongoing funding. In particular, permanent supportive housing where the program itself is not time limited. And so when someone enters a permanent supportive housing unit and we are funding services, we know that we or another funder needs to sustain that funding over time and so as we look at the break down you will see that there are no dollars within the arpa spending framework for

homelessness dedicated to psh despite that being a big part of the summit investment plan and of the city's commitment to

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funding overall. In terms of process, we do anticipate beginning to issue solicitations in some of these categories, but with this amount of money and with the ongoing fund-raising process in the community, we will also be maintaining some flexibility. We would anticipate coming back to council quarterly or more often if necessary to update you on the spending plan such that if, for example, a new funding source emerged for rapid rental housing and the city's dollars were no longer required in the same amount we would look at readjusting the spending framework to be responsive to the facts on the ground. So there are five main areas in the summit framework and therefore in our proposed framework for allocating the

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arpa dollars for homelessness. Three of those are program expenditures. So, crisis services, outreach, diversion, shelter, things that we deliver to people while they are still homeless to either provide shelter to be connecting them to services. Our core housing programs, which as I've said is largely psh and rapid rehousing, other services, which is behavioral health services, employment, and been benefits enrollment, and two other main categories which are not direct service. One is system infrastructure. So, building the capacity of our system in a normal -- a variety of ways so that we know we are functioning efficiently, effectively, we're getting the job done as well as we can, as efficiently as we can. We are proposing along with the summit a variety of types of

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funding in that area, and then finally, of course, capital investment, the investment in the bricks and mortar affordable housing units that are so needed in the community. So, I -- in the next few slides, will give a quick recap of those five main categories and then be ready to take what I can imagine will be numerous questions from councilmembers. So, in the crisis area, we are proposing that the city dollars be utilized for shelter. This is actually an increase of the \$4.2 million that council had already directed staff to invest back in June in shelter or in response to prop B. So we're looking at \$5 million here, but I do want to note that that was already \$4.2 million. \$2 million in outreach services and then we are leaving a good flexible category of \$3 million. We know that with enforcement of

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the camping ordinance happening, we want to figure out if we can be agile and find ways to provide those who are most medically or otherwise fragile someplace to go or that we can quickly connect them to services. We know we cannot do that for everyone who is experiencing unsheltered homelessness today, but we want to leave a bit of flexibility here. It could end being shelter, but there may be other ways that we can approach this challenge that we want to allow for some creativity on the part of our partners. The second category, and really the largest single line item of this budget, is for our core housing programs and in particular rapid rehousing. So, this rapid rehousing is case management and rental supports. That lasts anywhere from three months to two years. We are modeling this on an average of a year of support for

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folks so that they can get stabilized in housing. And this \$45 million -- and all of the line items -- do include any direction council has already given us on the use of these funds. So just as an example, during the budget process, staff was given direction to set aside \$6 million of the arpa funds for the heal initiative, and he is that is part of this. Targeted prevention is set aside for people who are already experienced homelessness. They are at the highest risk of reentering that system. And the other line item here are a variety of things that support the rehousing process. Housing navigation, landlord outreach and incentives, furniture, furnishings when people move into units, etc. The third category is what we

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generally call "Other services," social services that are critical but aren't necessarily part of those core rehousing programs. \$3 million for behavioral health services, \$3 million for employment services, and \$1 million set aside to help the many, many people experiencing homelessness who are living with a disability, ensure that they're accessing the benefits to which they are entitled. For system capacity-building, we have a number of categories here. This is really important, because we are talking about scaling our system very substantially. In order to do that, we are really going to be depending on to a great deal both the existing social service providers in our community and we are going to need to be bringing new providers to the table. And so we want to be intentional, excuse me, about provider capacity-building.

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That may be training. It may be technical assistance. It may also be working capital to begin to scale up. The other piece here that we know is that like all sectors, our social service sector is really struggling with recruitment and retention. And so in order to be able to get these resources -- having the impact we want them to do on the street, we intend to invest in provider capacity-building. System oversight and performance measure is really about some of the staffing around watching what our metrics tell us, the his system, some staffing within the city to move the contracts through, but really a special focus on our homeless management information system. A modest investment in communications. And then explicit investments in equity and innovation. We believe there's probably some crossover between equity and

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provider capacity-building, because one of the ways we can advance equity within the system is ensuring that we have a provider network that is fully representative of the people who are living homelessness. And so we really do want to be intentional about bringing some new providers into the space, or providers who are new to the formal system or the funded system. And then finally, the innovation line item includes but is not limited to potential investments in technology that will help us do our job more effectively. You know, we could also pilot -- do some pilot projects with this kind of funding, but we know that there are several ideas out there about how we might utilize technology to make the work more effective and efficient. Finally, the 5th category is capital. And so this is the second-largest set-aside within

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the arpa dollars at \$25.5 million. I will say, however, that this includes the \$11.4 million of home formula arpa dollars that go directly to housing and planning for this population in any case. And so that we had already intended to utilize for capital. This adds another 13 million or so to the total. Reminding you that the city has substantial investments in capital outside of the arpa monies in the form of our general obligation bonds and our housing trust fund. With that, I will pause and answer questions.

>> Mayor Adler: Let me begin by saying this is, I think, just great work. I trust that the members of the dais recognize the work that the

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council has been doing for the years that I've been on the council and going back even before that, as councilmember tovo has been on the dais. This is the work plans and the operation plans that have been coming to us periodically as we've set them out that we've seen before, but never seen in the context of

actually being able to do it. When we were given the initial numbers, I can remember coming from one of the reports that we had that we adopted almost aspirationally and looking at what it cost per year, I can remember everybody's eyes rolling back in their head like, boy, this would be great. This is what it really takes. But how do you ever get -- how do you ever actually do this. We've tried for years to try to do it in kind of a scaled-down version. We've had some really good successes with veterans, with children. We house hundreds of people

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every year because we know what works. But we've never been able to scale it. And now we have this unique moment in time, I think. I thank you for pulling this together. I know that this wasn't just your work. I know this was you working with at the downtown Austin alliance, the chamber of commerce. For the very first time, we have everybody pulling in the same direction, supportive of each of their other's priorities. And in doing so, are getting their priorities prioritized. We've never been there before. I want to thank the county for stepping in as significantly as the county has, because this doesn't happen without them. I want to thank the housing authority, and Mike Gerber, one of the first people to really step forward and make a real

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change in policy and commitment as our housing authority moved to say, okay, we'll put our weight behind solving homelessness in this city. We just have never had the alignment that we have right now. It's exciting to see. We've never had the detail, the spend by year by category that you have laid out. That's real helpful. There's still a hundred million dollars to go to be able to actually build out the system that will last. But I tell you, I was real encouraged today that the CEO of St. David's foundation was at the press conference that the community had this morning saying that he was fully behind this summit plan and was putting in some of the first dollars from foundations to make sure that we do data comprehensively and collectively, the systems

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that have been set up in the past, but needed the push to actually make them get to everybody. And I appreciate the county's work to make sure that everybody's participating in the data system. We truly are, I believe, at the cusp of being able to end homelessness in this city. And if we're successful in doing this as planned, if we can raise the last 25% -- and I thoroughly expect us to be able to do that -- we could be, you know, among the first cities our size to be able to end homelessness. The pictures that we saw at public communications today are heartbreaking, heartbreaking pictures. Those pictures were

taken recently, which is why it's important as you point out the city and folks are going to be dealing with that now. But those pictures are not new in this city.

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Those pictures could have been taken eight years ago and ten years ago in our city. Most people just didn't see it. If we don't solve the problem while it's in our woods and on our streams, it's going to explode to everywhere as it has in L.A. And San Francisco and Portland. And when it gets to that scale and to that challenge, it is too big to reasonably expect to be able to handle. I don't know what you do in those cities. And I wish them the best dealing with the challenges that they have facing them. But shame on us if we let ourselves fall there. I like that you're building off of the programs that the council has already started. I like that this expands the H.E.A.L. Effort that councilmember kitchen brought to us and we've adopted that has

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already begun to get people out of tents and campsites and into tracts to be housed. This is just a proud moment because this is so much -- you're presenting it to us and you're letting us know what the city's piece of this, but this is so much more than that. This is the community saying this really is our priority and we're going to put the resources against it to fix it. And Diana, it does not go unnoticed that within that group in the community, you are one of the most significant voices of expertise and experience and talent in this. And thank you for joining with everyone else to make this happen. And one last plug. We still have over \$100 million to raise. And everybody in this community is invited to be part of this. So, thank you.

>> Thank you, mayor.

>> Mayor Adler: Anybody else want to say anything?

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Any questions? Kathie? Councilmember tovo.

>> Tovo: Thank you. Thanks so very much. This is really just exactly what I hoped we would have come back to us. And you know, it was an extraordinary amount of information to pull together. And I think the mayor said it really well. We have our council passed an action plan several years ago and so we know we need to invest across the spectrum, but I think your spending plan really lays out very clearly where those investments need to go to really achieve the goal of housing an additional 3,000 people a year. Thank you for laying it out so clearly. What I wanted to verify, as I look at the plan, at your

information, and I know you've shared some additional levels of detail in our individual meetings as well, this clearly tells us what the goal is that came out of the summit, where our funding has been committed already, either city or the

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historic investment that the county has made, as well as our other funding. And then it shows where the gap is between the funds that are already committed and what we need to really achieve those goals. And so I think that again, that to me really lays it out clearly that if we want to see the true potential of our prevention services, for example, we're going to need to see some additional fundraising come forward from our private sector, same in almost every category, including mental health and other resources. Can you give us some examples? There are a couple categories that are really important that I wanted to ask you to provide examples of. For example, under crisis services, there's a to be determined -- I'm sorry, under outreach. Is -- what kind of outreach should we anticipate coming forward as contracts to council would that be additional funding for the outreach street team? Would it be for other kinds of

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outreach? I'd like to see detail, just some examples. And then I have a couple other categories like that to help our community visualize where we're investing these federal dollars, in what kind of programs they can expect to see increased investment, and most of those have corresponding wishes for the private sector. And so just to help people know where we're looking for some of those private dollars to go.

>> Absolutely. Thank you, councilmember. You mentioned outreach services. As you know, the city's primary tool for outreach services has historically been the homeless outreach street team, a multidisciplinary team including APD officers, the downtown Austin community corps, social workers, integral care and community health paramedics. They're a fantastic team but their geographic coverage and bandwidth are limited. And we -- also in the community have a lot of volunteers working

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in encampments meeting basic needs, building relationships, etc. But as a community we have not really had a very integrated system of outreach. And so echo has been working in particular with those grassroots organizations to determine how they can formalize that work and strengthen it. We think that that will be something that grows through this effort. So I would anticipate that the city's money could do both things. We might look at expanding host and potentially looking at their coverage area

because they get a lot of demands even outside of their formal boundaries, and really looking at how can we catalyze this work in the community that is carried out by other organizations as well. Those folks are not only going out and meeting basic needs, but they are also often the groups that will do coordinated

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assessment for people to make sure they are in the system. That has been a real gap recently that some of you have heard, as we have seen more enforcement, there has been concern on the part of some of our community providers that people are moving around and they are not connected to services. When they move, we might not know where they're going so we want to make sure that we track them, whether that's with giving folks phones, etc., that we maintain those relationships, know where they are when they do come up on the housing list, and really the process of helping them get into housing once they're prioritized, how can we help them get all their documents together, etc., make sure that they make it through that process and in fact into a unit. So, as another category --

>> Tovo: I have a couple other categories that I wanted to ask you, and then I know there are other questions, and then I have some additional followup

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questions about something different. Could you address some examples of targeted prevention and "Other" within core housing? And then also capital investment.

>> Yes.

>> Tovo: Those popped out at me either because they are -- rapid rehousing is our largest expenditure proposed under our federal dollars and to me, that is pretty -- we talk about that all the time. I have a clear understanding of what that is. But the ones that might need some examples, targeted prevention and other under core housing and capital investment.

>> So, targeted prevention is a subset of prevention as we might think of it for emergency rental assistance. So we have the rent program that has been very successful in our community through the course of the pandemic for people who are experiencing a crisis due to the changes in their income or their situation related to the

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pandemic. Within the homeless response system, however, we actually want to get really, really focused on those individuals who we know have been in the homeless system before, because it can be very difficult in general, rental assistance, to know who's going to move in with family, who is going to experience a crisis. We don't necessarily know who will end up on the streets. When we look at folks who have been served before, we know that that likelihood increases very significantly. And so we actually had a pilot program with some of the C.A.R.E.S. Act dollars last year where family elder care went and did outreach with individuals who had, say, been served in a rapid rehousing program in the previous couple of years and reached out to those households to check in on them. Because of the various -- the complexities of the lives of these folks who have been

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homeless previously, they tend to be less likely to proactively apply, say, to the rent program. The barriers are a little bit higher in terms of paperwork, access to internet, etc. And so family elder care was able to identify quite a few households who, in fact, were experiencing serious housing instability and were able to then provide some rental assistance to stabilize them and keep them from coming back into the system. The "Other" category includes housing navigation, landlord outreach and incentives, and move-in supplies. Let me maybe speak to landlord outreach and incentives. You know, as you well know, we have a very tight rental market. And in that kind of a market, it can be incredibly difficult to find landlords who are willing to rent to tenants whose applicant profile is unconventional and who might not

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normally be accepted as a tenant. Because if you've been homeless, it's very likely that your credit score, if it exists, is poor. There may have been serious challenges in your rental history, etc. And so there is a perceived risk on the part sometimes of landlords. And one of the things that can be effective is creating risk mitigation of some sort for those landlords. So, it might be double deposits. It might be an actual risk mitigation fund such that if there were losses or damages above a certain amount, the landlord could be made whole. It might allow us to hold units in the market while we get folks into them. And this is really critical because while we are talking about building 1300 units through this effort, we're talking about rehousing 3,000 people. So we really, really need the partnership of the private market and units in our community.

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And so this is part of what that investment would go for.

>> Tovo: I have more questions, but I'll wait until my colleagues have had an opportunity because I know our time is limited. As these contracts come forward, I ask that we talk about how to identify them on the agenda so that we can all be really clear about where they fit within this spending plan. That would be really valuable for not just those of us on the dais, but also the community so they can see exactly, this is a contract that responds to prevention services within our homeless -- whatever we end up calling it, finding home atx or whatever so that we can track it.

>> Mayor Adler: Let's hear from some others. Councilmember kitchen.

>> Kitchen: Thank you so much for this. I will echo what the mayor and councilmember tovo have said so far. This is exactly the kind of information that I wanted to see coming back to us.

[3:07:01 PM]

It's very succinct and understandable, and really shows us the path to truly addressing homelessness in our community. And I want to thank the mayor for his work on pulling together and working with the community to get us to a point where we can see a broad program like this. So, a couple of things that I want to point out or just ask you about. There are two things in particular that I think are really critical for what we're seeing in front of us now that are different and new for us as a community. And one of them is the emphasis -- we've done this in the past, but this model emphasizes and makes public the capacity-building that we need. There's a true effort and analysis and look at what it's going to take to build a system

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that truly allows us or enables us to get towards functional zero homelessness. So, could you speak for a moment, just to emphasize again for the public and for all of us, the components of that capacity-building? What is it that we think we must do in order to improve upon the system that we have now?

>> Absolutely. And so within the larger capacity-building category, there are a number of line items. One of them is provider capacity-building. That may have been one of the things you were speaking to. The vast majority of what the city invests in, and the work that gets done in this community gets done through our community partners. We do not have a vast social service department. We depend on those nonprofits who have been working for many, many years in this community providing fantastic services and getting great results. However, we are asking them to

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scale up very significantly in a short period of time. And so we know that can be particularly difficult for nonprofit organizations who do not have substantial amounts of working capital, and that is even more difficult for nonprofits who may be more grassroots, more rooted in communities of color, working more at the neighborhood level. And so we need to be intentional about what it will take to help them get there. And part of that, particularly right now, given what the market looks like, the labor market looks like, will probably be with some focus on recruitment and retention of staff, because they, like so many others, are struggling right now to keep staffed up. And then as we bring staff on board, that there are resources there for the training of those front-line staff in

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trauma-informed care, in all of the evidence-based practices that we know are so important in terms of delivering quality services.

>> Kitchen: Thank you. Yes. We talk a lot -- and we perhaps think more about the bricks and mortar of housing. And I think it's important to note that we need people to -- social workers, mental health clinicians, people -- to actually work with the folks living on the streets and help them get to stability and permanent housing. So, thank you for mentioning that. I also want to highlight the importance of the infrastructure for data analytics. We've got some very exciting work going on with E.C. H.O. In our community, our coalition and our community responsible for homelessness. I've seen some very good work in their dashboard, but the bottom line is they could use some

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assistance. I know we're looking at that. But the bottom line is we have to be able to measure results. We have to know that what we're doing is actually producing what we're trying to achieve. So, could you speak to that for a moment in terms of what's available in our system now and what we're doing with these dollars to assist that?

>> Absolutely. So, I'm glad that you mentioned staff as infrastructure in some cases. You know, it brought to mind for me, particularly for smaller organizations who may have not contracted with the city and certainly not received federal funds before, that we have to prepare them for the additional reporting and accountability that comes with that. In terms of our data analytics, our primary source of data about performance within the homeless response system is the homeless management information system, which is a database that is administered by E.C.H.O. They have been developing

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ever-more nuanced dashboards that help us understand what is happening within the system. But another piece of that is making sure that all of our providers are adequately resourced to input the data into that system, because it is not without time or cost. And so looking more comprehensively across the system, are we equipping providers to get that data into the system and have we invested into the system adequately to get the reporting out not just on an annual basis but on a regular basis so that it's a real management tool for our system and we can pinpoint strengths or weaknesses as they're happening.

>> Kitchen: Yes. Thank you. And for the public who may be listening to this presentation, I recommend going to the E.C.H. Of website and taking a look at their dashboard. It provides some very comprehensive and interesting

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information regarding what we're accomplishing to date, and you can see additional areas for us to work on. That has been very helpful and I would like to make sure that the public understands that that's there. And as you mentioned, the challenge for us and the additional work to be done is to make sure that all the data gets into that system so we really understand what we're doing. So the last thing I could just say is what you mentioned before was that there are dollars in this program to do phase two appeal and I'm -- of H.E.A.L. And I'm excited they will continue the success we've seen to date, to help people be on the path to permanent housing. So, I think you said this already but I'm just going to ask you.

[3:14:09 PM]

So we've got all the dollars we need in this budget to implement phase two of H.E.A.L.?

>> Yes, councilmember.

>> Kitchen: All right. Thank you.

>> Mayor Adler: Councilmember alter.

>> Alter: Thank you. And I appreciate the opportunity to speak with you and your staff in greater detail. Earlier this week or last week whenever it was, I don't remember.

[ Laughing ] This is exciting, that the city and county have offered this funding. I had the opportunity to talk with some business folks on the chamber trip this weekend and I hope you're watching. You wanted a plan, here's a plan. Please come and join us in this solution. I do have a couple questions, and if they're a little too nitpicky just tell me and we can

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do this offline. One of the things that we hear as a reservation and was noted in your arpa assumptions or conditions was that some of these are ongoing expenses and some are one-time. I wanted to get a better understanding, particularly for category two, what we're considering ongoing and what we're considering one-time, because I thought that you said we weren't going to put arpa into ongoing expenses, but most of those as programmatic, I assume they would be on going. I understand this is a system we're creating and there's a backlog of folks we're trying to address, so those expenses might be larger earlier on as we set up a system to move them through. I think it would be helpful to me and as other people try to understand the plan and where these expenses are going if you could provide some further

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explanation of why that doesn't mean we have 90 some million of ongoing.

>> Right. So, absolutely it is a longer conversation and I think it's going to be an important part of our work with the council and the budget office over the next 2 1/2 years, but the fundamental piece that we want to be super careful about is the permanent supportive housing, because people are expected to be in that housing long-term. Remember that the city is not the only funder of that. For the most part, the city might be funding some portion of the services for those units, but to a large degree the rental supports would come from someplace else. We do think that during these three years, we are going to see essentially a surge in services because we have so many people on the street right now who didn't all just become homeless this year. This is an accumulation of unmet

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need and deep need in the community. And so we are looking to increase these resources. We do think that certainly the steady state probably needs to be higher than it was at baseline, but I think it is going to take some additional analysis as we move people through the system to understand which pieces of this would have to be maintained or at what level they would have to be maintained to sustain that progress, and not backslide. And so that really will be something that I think will depend -- will vary by line item, by the type of intervention, based on the need that we see of people coming into the system new, but I think is something that would be the subject of ongoing reporting to council.

>> Alter: In terms of the core housing programs, then, I know, for instance, in the last budget, not the one this year

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but the year before, we put 6 million in permanent supportive housing. So that is part of what we're contributing. It's not on the slide with the arpa money, but then under arpa we have the rapid rehousing. And that's where we would be dealing with this bulge at this point because it's not the ongoing permanent supportive housing services, so we might expect that that's going to be spent and address that particular situation in our system and our flow over time, but not require the same level. There will always be some need for rapid rehousing, but not the same level.

>> That's accurate.

>> Alter: And then there was the shelter -- we're also saying that's H.E.A.L. Is the H.E.A.L. Part under the --

>> The H.E.A.L. Part was already

[3:19:14 PM]

budgeted for. There are dollars in our ongoing general fund budget for the southbridge shelter. Northbridge shelter is time-limited, both because we are using arpa funds for it and because that is a facility that we purchased with general obligation bond funds and are required to use for affordable housing long-term.

>> Alter: So again, there's this mix across our arpa funds and other other funds and there is quite a bit of money that we're already spending on homelessness that helps to take care of some of those ongoing expenses.

>> Correct. And aph is scheduled to re-solicit our social service contracts for homelessness for our baseline services this year for the fiscal year 2023. That's going to give us an opportunity to look at what we have been getting with baseline, how much we can cover as we learn more about what we believe

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steady state will need to look like.

>> Alter: And those contracts will be let with the performance metrics, that we hire somebody to help us formulate. Okay. I think those are my questions for now. I do think it would be helpful if you could provide -- I don't know what the analog to this is so that we could see which pieces the city across our different funding is covering as part of the city?

>> So not just the arpa allocation to these line items.

>> Alter: It would be helpful to have those together so that we had a fuller picture of the city's contributions, which at this point are over half of the contributions that are being made towards this, which is considerable and why we need the financial support of the private sector to close that gap.

>> Absolutely.

>> Alter: Thank you.

>> Mayor Adler: That makes sense to me, especially in the context of all our social

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service-type contracts are coming up for -- are coming up anew next year. That would best position us to make sure we're strategic and focused. Thank you for that, councilmember alter. Councilmember Casar.

>> Casar: I had to step off and get a little caffeine, stop me if this has already been asked. I really appreciate the plan and the implementation. It seems responsive to all the things we asked for when we passed the American rescue plan dollars. We've seen the county's commitment. We've gotten questions about whether we're able to start spending and helping people immediately now that these steps have been taken, just because there were some requirements and contingencies about whether or not we were waiting on other people's thoughts. But my understanding is now we are going to be moving forward. Nothing is holding us back from going and providing folks the help that they need as quick as we can in accordance with the plan.

>> That's correct.

>> Casar: That's great.

[3:22:17 PM]

We obviously see the need still every single day, even when people get moved around. We've been probably each hearing in our own districts some folks get moved from one place, wind up in another. Folks have been asking how are we going to solve the problem. This looks like the plan to do so. Thank you for organizing it and thanks to everybody that's been making it happen.

>> Mayor Adler: Thank you so much. Councilmember tovo.

>> Tovo: Thank you. I wanted to clarify that last point that councilmember Casar brought up as well, because we have gotten those questions, but I also want to emphasize something that I have endeavored to communicate and want you to verify in a public setting. Initially when we made the allocation back in July and said we will allocate -- I forgot what the number was. I think it was between 10 and \$20 million for immediate use to put to work right away, and then come back to us with a spending plan for how the rest of those arpa dollars would be spent.

[3:23:18 PM]

It is my understanding from our ongoing communication with your office that you did not reach -- any projects that you are aware of that required funding were funded. There is not a list of pending projects that have been held up waiting for us to let you know that the contingency requirements have been met. Is that accurate?

>> That's accurate, councilmember. We were not constrained although we now have projects on the horizon so we are timely to present this update to you and are excited to move forward with it.

>> Tovo: But just to emphasize there were no projects or initiatives that have been stalled.

>> That's accurate.

>> Tovo: Thank you. And you were able to invest the other dollars, or those are in process? Where are we in terms of the spending that we authorized back in July?

>> The primary spending has been \$5 million that has been utilized as a portion of hotel

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acquisition. While we were authorized to spend a larger amount, it included the \$11.4 million in home arpa which were not received at that time. So we have just now, I think, gotten those dollars in and HPD has a project moving utilizing those funds. And then I believe those -- we have a couple areas in employment and capacity-building which we will probably wrap into a larger solicitation. So that hasn't been spent yet. But we had spent the maximum of the general homelessness dollars but did not have anything that was waiting in the wings until we got to this point.

>> Tovo: Thank you. And thanks for continuing. I know we've reached out to you multiple times since then to make sure that you deny -- didn't need additional authorization because projects were waiting. Thank you for that. Again, to emphasize, I think this really is a great plan

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moving forward. It helps us all really understand where we're making those investments and was very much needed as we made this historic investment. The additional information that councilmember alter has requested is super useful and I would ask that at our public health committee we have a standing item regarding homelessness. That might be a good place to start to talk about how the other city investments factor into these equations throughout the spending plan and then also how we maybe brainstorm how we want to see this reflected on the agenda so that -- as a dais and as a public -- we can continue to monitor those contracts as they come forward and clearly identify, this is part of prevention and whatnot. We can talk about that at public health. Thanks again.

>> Thank you. And before I leave, I do want to recognize that as you said many folks have worked on this, folks within the summit leadership team, Henry, a community volunteer who did a great deal

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of work developing the model with the summit partners, and then many of you have met over the course of the last couple of weeks a new staff member with the homeless strategy division team, without whom I would be a much sadder and less smart person. Thank you very much.

>> Mayor Adler: Councilmember Fuentes.

>> Fuentes: Thank you. And thank you, Diana, for all of your hard work. It was great to meet with you and your team earlier this week to have an indepth conversation. I just have a brief question. I know that -- I know and appreciate that you have hosted two community meetings regarding our arpa funding for reducing homelessness. Can you share a little bit about how those community meetings have gone and insight from the community?

>> Yeah. They're tough, as these meetings often are. When we have unsheltered homelessness. And the meetings in the last couple of weeks, I would say the sentiment that prevailed was really from folks who do work in

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the field with our neighbors experiencing homelessness and really distressed at the displacement that is happening from encampments without anywhere for folks to go. And I will say that that has informed both the summit investment plan overall, which increased crisis resources by about \$15 million, as well as the direction of our city arpa funding which includes both some money for shelter and then some of those flexible dollars which will determine whether they're best utilized for shelter or some other crisis intervention which will not solve the unsheltered issue. We won't shelter everyone. But that will help us in particular when we encounter people who are medically fragile or otherwise when enforcement happens that we're able to provide some support.

>> Fuentes: Thank you for that feedback. It's so important to be able to share with the community that the city of Austin is listening

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and that their input and feedback is helping inform our strategy. So I appreciate you sharing that. Thank you.

>> Mayor Adler: Councilmember Renteria.

>> Renteria: Thank you, mayor. I want to thank you, also, Diana. You know, we have been working on homeless issues now for -- me, for over 35 years. And back then it was saying give them a one-way ticket out of town or putting them in jail which wasn't solving any problems. And we started the house to home program, and even had a mascot, Homer the homeless goose that would demonstrate to bring us more resources that we needed here. And it was a long time coming. And I'm really proud for this council and the city to actually do what they're doing now. This is really a historic moment that we're really, truly dedicated to addressing the homeless issue. And I just want to thank you.

[3:29:28 PM]

>> Thank you, councilmember.

>> Mayor Adler: Councilmember Ellis.

>> Ellis: Thank you. I just wanted to extend my appreciation to you. Thank you for meeting with me and my team yesterday, and Mr. Shaw for being a part of that and answering our questions. It's really helpful to have all this information compiled in one spot because we know we've had these conversations many times over many months in many different venues. I really appreciate the work of you and your team.

>> Mayor Adler: Ready to move on? Great presentation. Thank you.

>> Thank you.

>> Mayor Adler: I think item number 29, did you have questions, councilmember Kelly?

>> Kelly: Everything got answered. I'd like to go ahead and vote on it if that's okay.

>> Mayor Adler: I think there's been a motion and a second on this item. I think councilmember alter made the motion. I think councilmember pool seconded this item. Item number 29. Let's take a vote. Those in favor of 29, please raise your hand. Those opposed? 29 passes unanimously.

[3:30:31 PM]

Let's take up item number 19.

>> Mayor, the mayor pro tem was not visible.

>> Mayor Adler: Oh. Natasha, are you with us? Mayor pro tem? Record that vote as 10-0-1 with councilmember harper-madison off the dais. Item number 19.

>> Mayor, I pulled that item.

>> Mayor Adler: Okay. Councilmember kitchen.

>> Kitchen: Would you like me to go forward?

>> Mayor Adler: Why don't you go forward. I want to talk to you as we do this because it looks like there might be a way to combine the first and second paragraphs on this. I'll let you go first.

>> Kitchen: Let me lay it out and then we can --

>> Mayor Adler: Okay.

>> Kitchen: So item number 19 is the item related to the contract with the trail foundation. And let me just say at the outside -- outset, excuse me -- that this is -- I am supportive

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of this item. My amendments are related to some adjustments to it. But the general concept I think is great. And I as a user of the trail, which I'm sure all of us are, I really appreciate the work that the trail foundation has done over the years and continues to do. They have been a wonderful steward of one of our most amazing assets in the community. So, with that said, the amendments that I am putting forward go to two aspects of what's in front of us. The first is that we are being asked to negotiate and execute an agreement with the trail foundation to manage the trail on behalf of the city and more importantly on behalf of the

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people living in our community. That's an awesome function and a huge responsibility. And we don't have a contract to read as councilmembers. So that causes me a great deal of concern. I appreciate what is in the backup related to the program description. I think that that is important. And I understand that the contract will be built off of that. So we can see that at the moment. But I'm still being asked to take a leap of faith and say yes, go ahead and execute a contract for something that is hugely, hugely important for our community and that I have a responsibility to review. So I'm concerned about that. And so I'm proposing an approach to that which I understand the mayor is suggesting some amendments to which I think are workable. And so I'll let him speak to that. But I -- the bottom line is I don't think it's appropriate for

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us to approve negotiation and execution today without the opportunity to see the agreement before it's signed and without the opportunity for the public to see the agreement before it is signed. So that's my first concern. My second concern is that the language -- I'd like to add direction that -- to include in the

final agreement -- to include language in the final agreement that provides for annual council review and approval if there are changes to the plan and agreement, additions of more concessions, or planned special events. I think it's just really critical that as a council we not say -- that we not advocate the council's responsibility to review and approve functions

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that -- activities that may change in the future. There's just a natural tension and some of it impacts policy decisions about the use of our trails. And I think it's the responsibility of the council to weigh in on those kinds of decisions when that comes up. So, I think that if the trail foundation needs to use or has proposals that are different than what we're seeing in front of us today in the future, which they easily could, if they need to suggest more concessions or more planned special events or different planned special events, the council needs to weigh in on that. And so I have -- you know, I have to say I've got -- have had some experience with that. The previous council with the use of zilker park set in motion

[3:35:41 PM]

acl as an administrative activity in the future. So, there have been additions to acl including adding a second weekend. The location of acl has expanded into surrounding areas, all just the decision of staff without public input and without council input. I don't think that's appropriate for the trail foundation. I'm not suggesting we change that, I just don't think -- I'm not talking about acl today. But I'm just saying that's an example. I don't want that to happen with the trail. I think the use of the trail is so important to our community that the council has a responsibility to weigh in. And there may be times in the future when the council needs to be -- to weigh in on decisions about the use of the trail. So that's what my second

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amendment is about. And again, it's limited to changes, but if there are changes to the plan and agreement in the future with the additions of more concessions or planned special events I think it should be written into the contract that that has to come back to council. So, that's -- those are the two amendments that I am interested in.

>> Mayor Adler: Councilmember kitchen, thank you for discussing these with me. You know, there's a push-pull here. You had indicated that you were going to put in the execution language, and obviously we heard some speakers speak to that this morning. We also have had other people come to us to point out that that language is not in the republic square agreement or the peace park agreement or other agreements that we have had.

[3:37:44 PM]

And the whole concept of taking these assets and having a trustee help us with them that we have tried to move on over the last seven years and I think is critical for us actually being able to manage and maintain our park and other amenity spaces, and I think the folks doing republic square are doing a great job, but they're also monetizing part of it in ways we probably wouldn't, but that's why they're able to do what it is that they're able to do. And so I just was trying to figure out what was, kind of, the mid-place or the compromise place that gave a nod to both. And I, you know, kept hearing councilmember kitchen say that she just wanted to make sure she could see things before they were finalized. So even though this goes beyond anything that we have done in other places, this is what I would recommend. And I handed out a motion sheet.

[3:38:46 PM]

I want to make some changes to it. So if you could have the motion sheet in front of you as I talk. The language on the motion sheet where it says and execution that's in red and underlined, I'm -- that's the language I want to strike but I want to put some language so that it doesn't have to -- actually, no. I'm sorry. I had that backwards. We're allowing them to both negotiate and execute as it's shown with the red. Okay? I would put a period at the end of lake metropolitan park so it's a complete sentence. Authorize negotiation and execution of a park operations and maintenance agreement between the trail foundation for the butler hike and bike trail at town lake metropolitan park, period. And then I would strike the balance of the language in that paragraph. The second paragraph, then, speaks to it coming to us.

[3:39:47 PM]

But I would add to that the parks and rec board. So it would say the city manager or designee is instructed to brief members of council and the parks and rec board. So that's an add. I'm take that out of the first paragraph and moving it down. Seeking to be briefed on the terms of the park operation maintenance agreement before executing the final agreement and allow at least one req city council meeting and time necessary to post its agenda to occur before the briefing and execution of the final agreement. And then I would add to that language that has come to me, councilmember kitchen, that I think you had also seen and wanted in there that said the final unsigned agreement should be made available, publicly available in time for such briefings because you will have finished it at that point when you do the briefings. There's no reason not to let people see what it is that they're being briefed on.

[3:40:48 PM]

So, on balance with respect to the first section it ends the first paragraph after park, puts a period. Takes out the remaining words. On the second paragraph it adds parks and rec board after council. And it adds that last sentence so that the document itself, the unsigned document itself is publicly available.

>> Kitchen: Can you read the last sentence again, please?

>> Mayor Adler: The final unsigned agreement should be made publicly available in time for such briefings.

>> Kitchen: Final unsign the agreement . . .

>> Mayor Adler: Should be made publicly available in time for such briefings.

>> Kitchen: Okay.

>> Mayor Adler: It's out for everybody.

>> Kitchen: One other question.

>> Mayor Adler: On the further direction section, I would take out review and approval, again. If there are changes with events or things that are consistent with the agreement that they signed, they're making changes

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to their program or the like, as are being done by other people, programming parks, that there be notification to the council so the council can see that in case the council would choose to take action. But it makes the default someone at council stepping up to interrupt, which I would imagine we can also do with peace and republic, even though it's not stated anywhere. But anyhow, those would be the two changes and those would be the amendments I would offer. Is there a second to those amendments?

>> Kitchen: Mayor, I don't -- can I speak? I don't accept all of your amendments.

>> Mayor Adler: Okay. We'll talk about it here in just a second.

>> Kitchen: Okay. But I think my motion was already on the table.

>> Mayor Adler: Mine is an amendment to your amendment.

>> Kitchen: Okay.

>> Mayor Adler: And councilmember Renteria seconds the amendment to the amendment. Now we can discuss it. Councilmember kitchen, I'll recognize -- first, Pio because he seconded.

>> Renteria: Yes, mayor. I want to make sure that it also

[3:42:52 PM]

includes the new master plan that we have for fiesta garden and the trail that we're building across longhorn dam, because that's a future investment that we're making there. Even the new trail across longhorn, it's a \$14 million investment and I want to make sure that also gets included.

>> Mayor Adler: Okay. Councilmember kitchen.

>> Kitchen: Okay. With regard to the language that you're proposing --

>> Mayor Adler: Uh-huh.

>> Kitchen: One question.

>> Mayor Adler: Yeah.

>> Kitchen: I think we should just strike seeking to be briefed so it says is instructed to brief members of council and the parks and rec board on the terms. And then the rest of what you said is fine. I think seeking to be briefed is unnecessary here because I think this should come back to the council as a whole. And definitely to the parks and rec board. We don't want to put a burden on the parks and rec board to have

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to designate somehow that they're seeking to be briefed.

>> Mayor Adler: Legal.

>> Mayor Adler: I don't know whether the manager will sit down with everybody and say here are the changes and here's the document. Legal asked for that in the event that someone said I don't need to be briefed, that's okay. And then it looks like it's a violation of the agreement because someone opted not to be briefed but there was an obligation to brief them. So that's where that came from.

>> Kitchen: How does that apply to the parks and rec board?

>> Mayor Adler: I would imagine staff would need a briefing too. The easiest thing is to just brief everyone all at once, but if somebody wasn't there we would have the obligation to find them and offer them a briefing.

>> Kitchen: Well, I think that we need to think of some other language then because the way that I read that, particularly as it relates to the park and rec board I think is problematic because it seems to imply that the members of the parks and rec board would have to -- each

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affirmatively say that they were seeking to be briefed, so perhaps it needs to be two sentences. It's not as big a deal with the council because I'm going to ask for a briefing to all of us so you can just know that now. But -- so I would just strike seeking to be briefed as a relates to the parks and rec board.

>> Mayor Adler: Okay, let's take it out.

>> Mayor?

>> Mayor Adler: I'm fine taking it out.

>> Tovo: I just want to suggest that we keep it kind of very clear and very simple. Something like provide the agreement to the parks board and to the council, make a presentation to the full parks board and council well in advance of final execution, something like that. And then the additional language that you have about a minimum number of

[3:45:56 PM]

meetings. But we want to make sure everyone at this council get that well in advance. We want to make sure the parks board gets it well in advance and we want to schedule a briefing at the parks board and at a city council work session in enough time for council it take action.

>> Mayor Adler: So if we take out seeking to be briefed because I understand how you're reading that. That was not the intentment so if we just take out those words doesn't that cover that then, councilmember tovo?

>> Tovo: It's gone back and forth I couldn't tell you what the language is at this point.

>> Mayor Adler: It's the language you have in front of you on the paper except that it takes out seeking to be briefed because that contains all the elements that you said but there's also a line added at the end that says the unsigned agreement is publicly available at the time of such briefings.

>> Tovo: In advance of?

>> Mayor Adler: For the briefings. And the briefings have to be in advance of with sufficient time necessary to be able to

[3:46:56 PM]

post on the agenda. So I think it hits all the elements. Councilmember alter.

>> Alter: So first of all, I want to say I appreciate the trail foundation and all of the investments that they've made into our community and I think that's really important as we're taking this this up that we don't lose sight of what they're offering to do and what they have done and how this can potentially help our park system. I want to just understand what happens if there's something that comes up because I think what I don't want to see is where we're amending this situation on the dais. There are lawyers on both sides that are engaged. There are things that the trail foundation as a partner needs out of this process. And I understand where the questions are coming from and the concerns are coming

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from, but I think that the other side of that is that they have to make the numbers work, they have to have it fit with their model. And the troublesome part is this notion that it could be amended on the dais without them really being able to be party and to have their lawyers present and for it to be legally sound. So can someone explain to me this process if an issue is raised that's not resolved in the agreement. Like who determines if that's something that has to be fixed and if it does, how does that -- like this is a fine process, but I don't really understand where the next steps --

>> Kitchen: Could I speak to my intent?

>> Mayor Adler: I'll let you speak to your intent. I was going to say in my briefings that were in time

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with the council meetings, I wasn't ever massaging we would be negotiating language on the dais. But in the briefing if someone thought something was inappropriate that someone would bring a briefing and set of discussion if they needed to or whatever to come in front of the council and raise the issue. Something we would negotiate on the dais so it would be somebody to raise their hand and say I want to talk about this or I want us to look at the different way to do this. I don't think that means that we would be -- it would be inappropriate for us to actually write a change on the dais. But it's just an opportunity for everybody to continue to move forward unless somebody on council raises their hand and says there's something happening here I want to talk about or I want us to discuss a different policy approach. Councilmember kitchen?

>> Kitchen: Yes, this

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language the negotiate or attempt something on the dais. That's not something we do or our role. This is the role for the lawyers on both sides to figure out something. And of course it has to be something

that works for the trail foundation. I would expect that what would come back to us would be something that works for the trail foundation and if there were concerns raised it would go back to the lawyers to talk to each other and see what could be worked out. All this is recognizing that we have a responsibility as council members to read what we're voting on. That's all. And the trail foundation as I said when I first started speaking, it's a wonderful asset and we are lucky and I'm so pleased that they're willing to step up on the table, but at the same time this is a huge community asset that we have a responsibility into the

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future. To think about.

>> Councilmember Ellis.

>> Ellis: Thank you, mayor. I certainly appreciate the perspectives of my colleagues. Where I'm coming from on this is we have a fantastic community partner that's willing to step up and take some ownership in our shared spaces in the community and offer assistance with maintenance and other projects and things that really make our community shine as austinites. I know right now we're not saying the intent is to come up and amend things but sometimes things happen when we don't let our partners and our departments have our trust in finding a consistent and predictable and effective document and so I'm comfortable with keeping things with negotiate and execute. There needs to be consistency throughout any of our foundational partners and conservancies to know that if they want to step up and take share of some of our shared park space they know what they're getting into, they can plan their

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businesses around it. If they're going to be buying equipment that needs to be paid off over a number of years, we can't keep coming back every year and changing the terms and changing the financial components of it because that's just to me not a good way to either run a business or to create good trusting predictable community partnership. So I think we're working well towards this language. I also believe in transparency and make sure we know how this process is moving forward, but at the same time I know that we as a council have and may decide to do things from the dice and it's all with good intent, but I don't want to see anything happen at the last minute when we know our departments are working hard on a contract that we've been able to see a lot of the terms and agreements. If you've opened this document and leafed through it all, it is extremely detailed already. So I think we need to give our partners and our department heads the courtesy of being able to reach these discussions

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together.

>> Mayor Adler: Do we have anybody here from the trail foundation? Would you come up for a second in.

>> Mayor, I think you had a couple of folks who wanted to say something.

>> Mayor Adler: I know, but I wanted to ask the question. I wanted to say if you're okay with these amendments or if these amendments create a problem to you?

>> Thank you mayor and council members and city manager cronk. I would say that as our Pease park conservancy colleague mentioned earlier today, we have spent years, literally years working diligently with city staff from the parks department to develop terms collectively not just for ttf, but that would adhere to my park partner from Pease park conservancy, Waterloo, republic square, hill country conservancy and others. And the parks department

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also did extensive research on where these partnerships should go, how they can be successful. The key piece that I appreciate councilmember Ellis mentioning is consistency here. It's important that all the partners have the ability to be treated equally and consistently so that we can be successful. When that consistency breaks down it has a ripple effect to all of us and starts to affect the ability for us to raise money, to plan and just to be successful in general. So we feel like city staff is best suited because of all of these years of research we've done together to negotiate and execute. We have gone to the parks board and got unanimous support for the pep. We went through the o&m plan and planning plan at that time. We did the same thing with environmental and concession and had great success with all of those groups.

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Our other concern is that if we continue to go back with the details of the document, which are really already in place with the backup, with that as the framework itself, that the intricacies of this complex partnership that the city staff knows so well would start to get broken down and then different partners would have different rules applied to them or terms applied to them, which makes it just hard for all of your partners today and in the future to be successful.

>> Mayor Adler: So you would rather not have any of these amendments?

>> I'm sorry?

>> Mayor Adler: You would rather not have any amendments?

>> Yes. Yes, sir.

>> Mayor Adler: Councilmember pool.

>> Pool: Thanks, mayor and thanks to Heidi and Lee for being here today. I wanted to just remember that the fact that we are here having this conversation today with the

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trail fusion is because of meetings that happened a number of years ago that kicked off the very concept of having these contracts boiler plates with the tier 1, tier a, etcetera. That the trail foundation is taking advantage of is an idea that came from the community. The point was to make a processing of these agreements because we rely on our community partnership so completely in order to get that additional scale that the city needs in order to care for our civic assets. We can't do it all on our own as a city, as many issues. This is another one of them, but the point is that the agreement that was struck here today or that we are attempting to pass here today was one whose framework was devised over a number of years with a lot of input from our city staff and a lot of really good work. And the trail foundation

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is -- I was looking at their application through this process to be the natural outcome of a promise that we had put out there for community to enter into these agreements with the city to have some of this to be streamlined so everybody knew in response what was going to be required and that there would be a level of consistency and standardization across the board for everyone. I appreciate what my colleague, councilmember Ellis said about unintended consequences and consistency across all of the conservancies. The list of Pease park, violet crown trail, or downtown folks with public trails and others have benefited from consistency across the board. I have given this a whole lot of thought about the "And execute" piece. I know that the dais has in the past gone ahead and negotiated and execute in

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many, many instances and some of those instances have been on agreements that are far more complex and a much higher dollar level than what we are looking at here and the hike and bike trail is a significant civic asset for the city. But it is at a smaller scale than some of the other agreements that we have not held up for the execute in the past even though I've been on the side from time to time saying I want them separated and lost on those votes. So I in that context spent a lot of time thinking about where I stand on this one and in the end I have move completely on to the side of negotiate and execute and I would like to pass the agreement the way it was offered. Mayor, I appreciate the guidance piece that you are offering here and I think that it is not out of the

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frame for us as officials to ask for additional briefings on the contract as it is finalized, but given the amount of scrutiny that our staff and the trail foundation have gone through with the various boards and commissions and other groups in the community, I think that they have very comprehensively checked the boxes for oversight and completion of this agreement. And so I also just want to make one last note about bringing the contract to the dais strikes me as a little bit out of the norm, as significantly out of the norm for how we have handled these in the past. So I do support the original motion. There may be -- and your guidance, mayor. Thanks.

>> Mayor Adler: Councilmember Tovo and then councilmember Renteria.

>> Tovo: I have a variety

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of things that I feel I need to say and also some questions for our staff about the concession piece and we have questions about how that works within the guiding document and I need to better understand that. We'll start with the conversation that we're in at the moment. But I'm going to start by saying I have participated in the stakeholder meetings early on about this partnership. I want a full supporter of the trail department and I'd love to see this relationship move forward and intend to support this new phase of the relationship with the city of Austin. I have to say as this conversation has evolved I'm growing increasingly uncomfortable at the way it's being discussed at the moment because very frequently we have contract in our backup that we review

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before we work on the council. We have often separated negotiation and execution and there was at least one example before any of us sat on the dais about a partnership that had to be unwound because for that very reason it was voted on and in the weeks following some concerns got raised and it had to be unwound before too much time had elapsed. So I hope it wasn't an assertion -- I hope the messaging here is that we're not providing the council with the document because it's too complex for us to understand and we might monkey with it in ways that are problematic. Because we very frequently as I said have that level of detail and we have reviewed in some detail some of the previous agreements, including the programming, the programming document for Republic Square as we entered into that relationship. I guess I don't really understand what the concern is with providing that

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information to council prior to execution so I'll just leave that there for the moment. I do have questions for our park staff about the concession piece. Can you help us understand how the documents that you've presented us with in draft form are talking about concessions what the limitations are in the document, what limitations you intend to have in the contract. I think of all the issues -- we've heard tremendous support for the trail foundation from those writing tremendous support for this. I have received questions about the concessions piece. If you could walk me through that piece of it, please.

>> Thank you, assistant director for the parks and recreation department. And it is my understanding that with regard to the concessions the agreement will require the trail foundation to follow all the

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requirements that are part of the code and dictate the operations, especially at lady bird lake. Also recommendation on sharing concessions will be coming to council for approval.

>> Tovo: So that's the piece I didn't understand. And thank you, I know you provided my staff with that information. I understand that the trails foundation is going to follow the process, but it's not -- that second piece was not clear to me. So did you say you trailed off a bit at the end. Did you say that those individual concessions as the trails foundation proposes entering into them would all come individually to the council for approval?

>> It is my understanding that renewal of these contracts will still come to council for approval.

>> Renewal of existing concession contracts?

>> Yes.

>> Or new contracts.

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>> Tovo: Did you say new contracts as well?

>> Yes.

>> Tovo: So any new contracts will come to council. And it was a certainty -- you said it was your understanding, but is it a certainty? And I guess I would invite --

>> And this is the information that I received from the contracts team in our group today.

>> Okay. So the council will have ultimate authority over kind of looking holistically alongside the trails foundation and determining if concessions are appropriate, are too numerous, are perfect. Those decisions will all be made jointly with the city council, is that correct?

>> Yes. And there are code requirements for concessions at lady bird lake. This also will be in existence. And I believe we have someone from legal that may

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be able to provide more clarity maybe?

>> Tovo: I think I'm interested in more is what is the governing limitations for them. Not just code requirements on whether something can be at the lake or not, but some oversight in terms of the maximum number. I mean, -- I know the trails foundation has helped us create this amazing asset that is very natural and has concessions, but is appropriately balanced. And I want to be able to assure the public that that's going to continue. And that we will have that ability as a community to make sure that the concessions -- any new concessions continue to fall within that balance.

>> Good afternoon, Sean Lafferty with the law department here. The conversation as it

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stands right now will require the trail foundation to follow all the rules and regulations with respect to out energy existing concessions. In the same way the city would process a contract for a new concession, the trail foundation would have to adhere to same rules.

>> Tovo: I guess I will have to ask the same question then. Will all those all to council for final approval or will they just be subject to the approval of the trail foundation, any new contracts? Who is the determining authority once this is executed who is the determining authority of those new contracts?

>> Well, the trail foundation would not be able to grant a permit for in new concession, that would remain a city responsibility. So in the same way anyone would want a new permit it would follow that same

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process.

>> Tovo: Thank you. And in terms of code requirements, are there any code requirements related to amplified sound?

>> That I don't know, but I'm happy to get the answer for you.

>> But you've answered that other question so I appreciate that. Thank you.

>> I have a follow-up on that same question.

>> Mayor Adler: Ann.

>> Mayor Adler: Councilmember Renteria.

>> Renteria: Thank you, mayor. I really don't want to be hearing all the new concession and negotiation. If they're going to be following the process that every other program goes through then I am satisfied with that. And the park foundation has been a very, very great partner, especially in my area and I've seen this and do the work that they're doing and I'm really proud that they're out there doing

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that work. And I really think that we need to really -- I support full recommendation on that and I'm sure that they have no problem coming back and giving us a briefing, but I think that we should execute.

>> Mayor Adler: So from a process discussion place we have a base motion that says go forth and negotiate and execute. We have an amendment from councilmember kitchen that we've seen her page. I made the amendment to her amendments seeking to find middle ground. My sense is that my middle ground doesn't satisfy either side on either side of me, and I would be willing to withdraw my amendment if it was not something that people wanted to do and we could have a straight up and down vote on the kitchen amendment. But what is in front of us right now is my amendment to

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kitchen's amendment. If that doesn't pass or it does pass we could pass on the kitchen amendment as amended or as not amended?

>> Kitchen: Mayor, I see it differently. I accept your amendment as a friendly amendment, the first part. The further direction I still need to talk about, but the first part accept as a friendly amendment and I think we need to vote on it.

>> Mayor Adler: And we can. So I can't withdraw it because it's not mine to withdraw so we'll vote on the amendment, my amendment to the amendment.

>> Kitchen: I do have a question, though. It's a follow-up on councilmember tovo's question for law. And it relates to the second part of my direction but I'm going to go ahead and ask it because it's a follow-up to what was asked before. So I don't remember who was

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speaking can you tell me then if there was a new concession and by that I mean a new use of the trail, would that come back to council for approval?

>> Council member, what I am not familiar enough with is whether the parks department select a new concession if that would come back to council. If the parks department selected a new concession and that would come to council then the answer is yes, any new concession selected by some sort of agreement between the parks department and the trail foundation would come to council. If the parks department could select a new concessionaire without council approval in accordance with the current rules then that would not come before council.

>> Kitchen: Okay. What about special vents?

>> The same answer. Any process that the parks

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department currently has to follow the trail foundation would have to follow.

>> Kitchen: For clarity I would like to know what that process is.

>> Understood.

>> Kitchen: So maybe the parks department can tell us.

>> Mayor, may I ask a follow-up? Which concessions currently don't come to council? Are there any concessions that do not come to council? For example, I know we were getting lots of communication about the possibility of serving alcohol at zilker park. Is that the kind of concession that would need to come to council?

>> I would have to either get back to you with an answer on that or defer to the parks department to explain what comes to council and what does not come to council for council approval?

>> I would prefer that we provide that information separately.

>> Kitchen: I'm sorry, I

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couldn't quite hear you.

>> I would prefer that we get back to you with that with a complete answer.

>> Kitchen: Okay. Mayor, then I think maybe we should set this aside because one of our major questions we can't answer right now. I mean, you know, that's -- we can deal with that in a minute if you'd prefer because that refers to the second amendment that I made, not the first one.

>> Mayor Adler: And we can see whether or not that's relevant information for a majority of council. Councilmember alter?

>> Alter: I wanted to ask -- I don't know if it's Lilyana. And we have a lot of things in the backup and then there's a thing called agreement which I think we're giving a whole lot more weight than maybe -- as I recall, a lot of is is

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codification of the partnership configuration and then filling in the blanks, but most of which are in the operations and maintenance plan, but then there's legal, there's a legal framework around that that doesn't look as pretty as the partnership configuration. I went through this a few week before and that's what I'm remembering right now. Can you maybe clarify what is in the agreement broadly speaking as opposed to these documents?

>> Sure. The operations and maintenance agreement dictate the obligations of each party, so the city will take on certain responsibilities of generally having to do with review and approval of things. And the trail foundation will take on other responsibilities generally have having to do with maintenance and events and how they handle certain

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things. And then there are scenarios that are contemplated with respect to emergency situations or insurance requirements, that sort of thing, but in general it just covers what each party is obligated to do during the term of the agreement.

>> Alter: I guess I'm asking what separates the agreement from documents that are in our backup because don't those documents effectively make up the agreement?

>> As far as I understand the documents that are in your backup are specifically directed towards obligations. So what services the trail foundation will provide for any particular year, maintenance and special events and the agreement that we're discussing here that the authorization is on the table for will reference those, but they're only a piece of what we're agreeing to. We'll say that the trail foundation will have a

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yearly or an annual plan, which is what you're looking at, and that would be part of their obligations, but the overall obligations will be larger than that. Again, what insurance they have to provide and what they have to do in certain scenario.

>> Alter: And almost all of those are outlined in the partnership configuration, the insurances, the other stuff, correct? I'm trying to understand what is the mystery that's not what we're seeing in where we're going. That's what I -- because I believe it's a legal document that references the draft plan and is codifying the stuff that's between the draft plan and what's in the configuration, which is the broader requirements that we've assigned to all of our conservancies. And you already have those templates for a couple other units.

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So again, I'm just not sure what --

>> Kitchen: There's no contract in backup.

>> Alter: I understand iting but the terms of the contract as I understand it are in the backup. So the terms are what's in the partnership configuration combined with the operations and maintenance plan and the programming plan. Obviously there's things that change over time that are allowed by the agreement, but as I understand it, -- and maybe --

>> I'm Christine with the parks department. And yes, the -- so every site is different. So you can imagine some parks may have a water feature, some parks may have a trail. So the plans that you're seeing are very site specific about the activities that will be taking place at the site. The terms, the partnership are the kind of the

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framework for the partnership that would be consistent amongst all the partnerships. So kind of again the base times the legal configuration of the document. But again those activities of the non-profit partner are based on the site and what you're seeing in those plans.

>> Alter: So there's not a mysterious thing that's missing but the legalese that puts those things together.

>> Correct.

>> Mayor Adler: I was asked on the dais, what would someone do if they wanted to strike last sentence that was added that was handed to me by someone to that paragraph, which was the sentence that said the contract comes out. You can't do an amendment to an amendment to an amendment. So what we're going to do is we're going to vote on the amendment that I offered to councilmember kitchen's

motion. It will either go up or it won't go up. At that point it would still be in order to amend the kitchen amendment as amended. So if this passes, as the

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amendment to the amendment, then someone could be recognized to amend it to strike that sentence if they wanted to be recognized on that and then when there are no other amendments to the amendment that we would vote on the amendment.

>> Kitchen: I have one question.

>> Mayor Adler: Councilmember pool and then I'll come back to you.

>> Pool: That sounds great, but I think we'll definitely have to read through it and make sure we all know what it looks like.

>> Mayor Adler: Yeah.

>> Pool: Thank you.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: I just have one more question for legal. I'm not sure, is legal on? Sorry, I'm not sure who I'm looking at. Is there a draft agreement written yet?

>> There is a draft agreement that we have been working on. There are several terms that have not been agreed upon, but there's a framework that we're using to start the discussions.

>> And does the draft agreement include language

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that is more than just attaching the draft annual draft operations and maintenance plan?

>> Yes.

>> Kitchen: So there is a draft agreement that we haven't seen that is not in our backup that covers more terms than the two documents that are in our backup, correct?

>> Correct.

>> Kitchen: Thank you.

>> Alter: There are three documents in our backup. The partnership configuration is in there, which is as I understand it.

>> Kitchen: Let me ask my question again. So there is a draft agreement that you guys are working on that includes terms that are more than the three documents that are in our backup right now. Correct?

>> I would say there's a draft agreement that has language that has not been agreed on but it is more expansive than the documents you have, is that correct.

[4:20:45 PM]

>> Mayor Adler: All right. In front of us is the amendment to the amendment, which is on the page except it strikes the words after metropolitan park, there's a period there, and it adds brief members of council on parks and board and it adds that last sentence about making the unsigned contract available for the briefings. Ready to take a vote?

>> Tovo: These are the changes that you have distributed -- just to be clear, these are the changes that you've distributed with the adjustments that you've just offered.

>> Mayor Adler: It's the page I did, but we're just doing the motion part, not the direction part, we're just doing the first part of that and as handed out with the changes I just read. Let's take a vote. Those in favor of the amendment to the amendment please raise your hand.

>> Kitchen: Mayor, is that how you characterize when I accepted it as a friendly?

>> Mayor Adler: It's not yours to accept.

>> Kitchen: All right, that's fine.

>> Mayor Adler: So those in favor of the amendment to the amendment please raise

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your hand. Those oppose the? Opposed? So I think that the amendment to the amendment is adopted unanimously with councilmember Casar off the dais.

>> Alter: I'm abstaining.

>> Mayor Adler: Councilmember alter is abstaining. Councilmember Casar, did you vote yes?

>> I saw his hand up.

>> Mayor Adler: You saw it. Thank you. So 10-0 and 1, the amendment to the amendment passes. Councilmember pool.

>> Pool: Is this now when it would be propose for me to make an amendment to what we just adopted?

>> Mayor Adler: It would be, yes.

>> Pool: What I would like to do is I would move to delete the final sentence that was added at the bottom about the contract on the daisment.

>> Mayor Adler: Right now the amendment has the language about distributing the unexecuted agreement. Councilmember pool moves to amend the amendment to

[4:22:46 PM]

strike that sentence. Is there a suggestion R.

--Is there a second to that? Councilmember Renteria seconds. Councilmember pool.

>> Pool: That's the piece that gives me concern primarily because it sounds like it is a discussion up

[indiscernible] And that's not our standard approach. The agreement and the negotiation prior to execution based on guidance and the amendments that we have agreed to just now assure me that we will have full access to that information and that if there are concerns they could be raised at that point, but I recommend that we not do a review of a contract from the dais.

>> Kitchen: Mayor?

>> Mayor Adler: Councilmember tovo and then councilmember kitchen.

>> Tovo: I have a question for the make he of the motion. So the staff are going to provide a presentation to the council and to the parks board about the agreement,

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but not provide them with the agreement? I'm not sure why we would -- why we would remove a line that says provide the information that they're going to be presenting.

>> Pool: Basically, if I can answer, I didn't physically understand what was intended by that last question because I thought in a any and all of the information that we were looking for would be otherwise available to us and I wasn't able to get a sense of where that additional amendment came from or what its purpose was. And because of that I'm uncomfortable with it. So without having it explained I wanted to take it off because I don't think we need it actually. And I don't think that we would in fact be parsing a contract on the dais?

>> Tovo: That's why when I before asked the mayor could we adjust the language, I think what might be throwing things off a little bit is that it's a little backwards. We're talking about the presentation then about the material that would be

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presented. I can't support removing any of the presentation that is being presented. Council members have -- that's just part of what they would be presenting and discussing. So I want them to provide it.

>> Could we possibly get a better explanation of what that particular last amendment was intending?

>> Mayor Adler: I think that that language was just saying when the staff is doing the briefing over what it is that the final agreement is going to be, they would present the agreement. Clearly not for the council to parse, but they're going to be describing it qualitatively anyhow. I'm not sure that it wouldn't be a producible document anyhow. So I'm not sure that there's a prejudice associated with that. I had turned to manager and said if you're going to do briefings do you have a problem with letting people see the document and he had none. I just -- a briefing should cover what's in the document and then there's the document so I'm having

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trouble understanding the significant difference either way.

>> Pool: And why that additional language was offered? >>

>> Mayor Adler: I took it because I didn't see it as being a substantive change to the requirement to do a briefing. It still requires a council member to step in to change anything, but briefings like this like what's happening with the trail foundation and council members could ask for at any time.  
Councilmember Ellis.

>> Ellis: The way that I interpreted it there's a procedural difference on getting a briefing on what's in a document and being presented an actual document which to me if I'm presented a document I may think okay, let's try this and change this and this is how I would written it differently. But getting a briefing on the content is quite different to me. It doesn't bother me that it was in there in the first place but I can see where councilmember pool is coming from this. I think that understanding it is very helpful and understanding necessarily, but there would be that urge for by the time we get a briefing and a parks board

[4:26:53 PM]

get a briefing you now have 20 people with different thoughts, which is exactly why we shouldn't be doing it this way.

>> Mayor Adler: In front of us is the pool amendment to strike that last sentence. Any further discussion before we vote? Councilmember kitchen and then councilmember alter.

>> Kitchen: I think the last sentence is just transparency and I can't understand why we wouldn't see the public to is see the agreement. I think I trust this council that this council is not going to pick apart an agreement just because they got a briefing on it. And I think this is just a huge issue of public transparency on a major asset in the community and I cannot understand why we wouldn't that information to be available publicly.

>> Mayor Adler: Councilmember alter.

>> Alter: Two part question. One, can someone please read

[4:27:53 PM]

what the motion is that's on -- like before we cut the last sentence what we -- I abstained because I thought it was too confusing. I imagine that the people in the chamber who are supposed to be the ones who have to execute this. So if someone could read where the whole thing of where we are as amended.

>> Mayor Adler: I'll read the kitchen amendment. Authorize negotiation and execution of a parks operation and maintenance agreement with the trail foundation for the Ann and Roy butler hike and bike trail at town hall metropolitan park.

Next paragraph: The city manager designee is instructed to brief members of council and the parks and rec board on the terms of the park operation and maintenance agreement before executing the final agreement and allow at least one regular Austin city council meeting in the time necessary to post to its agenda to occur before the briefing and the execution of the final agreement.

[4:28:54 PM]

And then there's an additional sentence that says the final unsigned agreement should be made publicly available in time for such briefings. The pool amendment strikes that last sentence.

>> Alter: Okay. If we're going to go in this direction I think we need the transparency of seeing the agreement, but I want to just clarify that we are still under this. It would be staff to the trail foundation that would be negotiating anything that would be changed in the contract, not that we're at the briefing and council gets to change many words. There may be something that this concerns us, go fix it, and then they have the conversation and see if they can come up with agreement or not and --

>> Mayor Adler: Is there any objection to that being

[indiscernible] So that it's of record for direction for the staff?

[4:29:55 PM]

>> Sorry, I missed --

>> Mayor Adler: Any objection to reducing those words into the minutes so that it stands as direction?

>> Kitchen: I'm sorry, I was listening, but I didn't quite catch, Al, so do you mind?

>> Alter: I'm trying to understand that because it is unusual somewhat for us to have the contract coming back that we are suggesting that we would be briefed, we'd able to read it. And if we have issues we could raise it and then we could decide if something rose to a level that we wanted to provide some direction to staff that we wouldn't be negotiating the contract or whatever. We would be saying to staff this piece concerns us, go talk to the trail foundation about this solution.

>> Kitchen: I'm sorry, I didn't -- [overlapping speakers].

>> Mayor Adler: Please put those words into the minute to we have a direction to staff on this issue.

[4:30:56 PM]

>> Alter: And before we go further I wanted to see if Ms. Anderson or someone from the trail foundation had any comment on that direction up to this point?

>> Thank you, councilmember alter. I think the trail foundation, as long as we understand that staff is empowered to negotiate and execute that we are happy to come back and do briefings. We're also happy to agree to go by council if there are any changes year to year, our programming plan, our o&m plan for the agreement itself.

>> Thank you.

>> Mayor Adler: All right. We have the pool amendment in front of us. Councilmember pool.

>> Pool: I think based on this discussion and the input from Ms. Anderson that I can pull down my amendment and leave it with the direction that has been explicated between you and councilmember alter.

>> Mayor Adler: Not yours

[4:31:56 PM]

to pull down but we will ask. Is there an objection to pulling down that amendment? Hearing none that amendment is pulled down. Now let's look at the second amendment and the further direction. I had changed -- suggested changing review and approval to notification with all the conversations that we're having. That was part of the amendment. We divided the question so it's already been moved and seconded, but that change is now in front of us. Councilmember kitchen.

>> Kitchen: The reason that I put review and approval is because I was concerned that this would allow for -- I think we need to back up for a minute and understand that there are circumstances where this could impact some policy concerns. And I wanted to be sure and

[4:33:02 PM]

preserve to weigh in. Should there be a use proposed. I understand and agree the importance of certainty for the trail foundation, they have to be able to plan, they have to be able to know where the [inaudible]. So this has nothing to do with that, but I do not want to bind all future councils and prohibit them from having any access to make decisions around proposed events on the trailer proposed concessions on our trail that really could have the public up in arms. I mean, that's the kind of thing that -- that is the city council's responsibility to make decisions about. So the way I'm reading what's in the backup is that the information

[indiscernible].

[4:34:04 PM]

So notification works 'only if it's notification before the concession or the special event was approved. If it's notification afterwards, then it doesn't accomplish what I'd be trying to accomplish there. But that's all I'm trying to accomplish is understanding that -- we're working on an agreement that should last for a very long time. It's not about anybody in front of us right now, it's about setting a structure in place for the future. So what I'm trying to accomplish is make it clear that council has an avenue to act if they need to in the rare circumstance that something may occur.

>> Mayor Adler: My understanding is that the council can at any point in the future act. Because we can as a council bind future councils so each council would have the ability to be able to act, but again I made this

[4:35:06 PM]

amendment the same way as the other one is I wanted the default to be that the foundation is given a charge, it's expected to execute the charge and it doesn't have to come back to council for approval to execute the charge.

>> Kitchen: So maybe we could add to this direction that the intent is to get to council before it's a done deal, in other words. Or a new special event that there's notification to council before it's finalized. So that if anyone on council -- so council will know about it and they'll have the opportunity to raise it. Could we do that --

>> Mayor Adler: I'm not comfortable doing it because I want them to be able to act, but there's nothing to stop anybody -- it's subject to city law and the council. So I am comfortable with giving them the charge to go

[4:36:07 PM]

execute. And if they do something that we don't like and having the council come in and say stop that.

>> Kitchen: Yes, but what that means is -- again, we're only at the directions stage so we're talking about direction about what goes into the agreement. What it means is that a major new concession could be decided upon by staff and the contract signed for it, the council cannot undue that. That could be recommendation to council and the council could end up in a circumstance where they would have to say to the public I'm sorry, we had nothing to do with that because it happened before we knew about it. And that's what I'm trying to avoid into the future. So notification is fine. I'm happy with notification. So city manager, I would want that direction to be in the notification. You do it in a way that's timely so that the council

[4:37:07 PM]

would have the opportunity to weigh in if an individual council member -- an individual council member or mayor would have the opportunity to weigh in if they wanted to.

>> Pool: I think one of the things that's bothering me about our discussion is these specifics are

[indiscernible] Because we didn't have this conversation when it was Pease park conservancy. So this direction is to take these changes and codify them, add them to the boilerplate template then crafted by staff so these same discussions next time and so that somebody -- or so that the next group that

[4:38:09 PM]

comes in and does one of these agreements may be is subjected to this level of specificity. So for the trail foundation then going forward this needs to be the way everybody else is treated. Frankly the whole point of the template is the same. Parting from that here for good purposes everybody is in agreement that we -- there's nothing trying to be hidden here, no one is trying to get away with something or scam or system. And we're pretty good watchdog but I just want to make sure that this is only an experience of the trail foundation is undergoing and this really does have to be part of our process going forward.

>> Kitchen: Mayor, if I may comment on that.

[4:39:11 PM]

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>> Mayor Adler: Hang on. Let's give some other people a chance to talk too. Councilmember Ellis.

>> Ellis: Thank you. I appreciate those comments, councilmember pool. I see it and I kind of see it like reverse where I say it's been fine for everybody else, why are we changing it now? We're in agreement on that and I keep coming back to consistency and predictability for our private partnerships that maintain our park department and get new equipment and do all the things we need to do and we just need to make sure we do it. This is exactly why. And if it's a process that needs to be looked at more comprehensively, but it hasn't been an issue until now. So I'm a bit confused about why we're having this long of a discussion about something that they don't

[4:40:12 PM]

need to fix it. I think they need to get the parks foundation and the trail staff and talking about this in a very predictive manner.

>> Mayor Adler: Councilmember Tovo.

>> Tovo: And so when we talked about Republic Square park we actually were talking about the programming piece of it. And to verify it because some of the language in the direction now has me a little confused. But as we talked earlier, concessions do come to council so new concessions would come to council and assistant director did send my staff who sent it to me some information that it looks at contracts that would need to come to council are those that exceeded the manager's -- new any concessions that

[4:41:12 PM]

exceed the manager's authority and others do not. I don't understand how revenue neutral contracts are defined. That one doesn't make sense to me in the context of an agreement. The additions and a certain amount would come to council and from the response I got at our last meeting that the programming plan will come back to council. So looking back at -- I want to be really clear because now we're -- this is the process that we worked out through the Republic Square arrangement that during those first couple of years the programming plan does come to council for approval. It's only after two years that it is administratively approved by the parks director. That is going to be the process followed here. I know that was the case as of September 30th. Is that still the case?

[4:42:13 PM]

>> Yes, that is correct and that is in the rca.

>> Tovo: Okay. I wanted to make sure that was still here because now we're talking about it as if it's not still a council role and you only remember we have a lot of conversation around that making sure the balance was right over free events and closed events and partially closed events to make sure in those first two years the council was and helping ensure that correct balance.

>> Yes. Per your direction, council direction that does come back for two years.

>> Tovo: Okay. Thank you.

>> Mayor Adler: All right, so the language in front of us in the second vote is further direction as it appears on the page. Does anyone want to make any changes to that or are we okay with the --

>> Well.

>> Mayor Adler: The assurances.

>> In light of my comments I want to make sure whatever we end up passing here today doesn't undo what is already in our agreement about it coming back within two years, about concessions coming back.

>> Mayor Adler: It does honor

[4:43:14 PM]

that.

>> Heather -- councilmember kitchen.

>> Kitchen: Yes, I agree, I was just trying to not have a two-year limit on the concessions part, not the plan, I am not asking for the plan to come back after two years, so mayor, I am fine with your language, for annual council notification, prior to action being taken, if there are changes --

>> Mayor Adler: Okay, so you want me to add prior to -- prior to action?

>> Kitchen: Yeah.

>> Mayor Adler: Okay. Does anybody have any problems with adding the words prior to action? Board, is the -- foundation comfortable with that? Yes. The foundation is. Any objection to adding those words? The words are added. Let's voted on the amendment to the amendment. The direction as written with the addition and the strike, but adding prior to action after the word notification. Those in favor

[4:44:15 PM]

please raise your hand. Those opposed. Is everybody on the dais and council ca off.

>> Councilmember Casar off.

>> Those in favor of the amendment as amended. Raise your hand. Those opposed.

>> Let's do this again. This is now the -- that is everything that -- all of the changes we have talked about so far summed together. Now we will take a vote on that. Those in favor of the amendment, please raise your hand. Those opposed. Pool voting no. Renteria voting no, Casar off the dais, the amendment to the amendment passes. Now let's vote on item 19 as amended. Those in favor of item 19 as amended, please raise your hand. Those opposed. Unanimous on the dais with Casar off. Number 19 is taken care of.

>> We have two things to do with the Kroll report and item number

[4:45:15 PM]

20. The mayor pro tem wanted to be here for both of these. She had to leave at 4:30 for a few minutes. I will suggest that at this point we take a 15-minute break and we come back at 5:00 o'clock to see if we can knock out item 20 and then the Kroll report. Oh, there you are. I still recommend we take a break.

>> Well, mayor just to be clear does that mean then -- is this in essence our dinner break or are we still intending to take a dinner break? Could we just talk tenant timing with regard to that.

>> Mayor Adler: I don't know how long 20 is going to take, twawz item for -- or postpone. I don't think that will take that long because we are not parsing language. It is a question do you want to postpone it or just want to vote no, the best I can tell from looking at the message board. That gets us this tone Kroll. I think we can probably get both -- I think we can get both of these two things done.

>> By 5:30 when we usually take a dinner break?

>> Mayor Adler: No. Probably by 6:00, because we have the Kroll report to go.

[4:46:15 PM]

>> Kitchen: Yeah. I think we will have some substantial conversation around it for sure.

>> Anyway I am fine with taking a break. I just want to have a reasonable expectation of how we are going to manage our time from there. So if we are not taking a dinner break until say 7:00, probably some of us are going to need to grab a snack.

>> Mayor Adler: Let's take.

>> I want to use our time efficiently.

>> Try to get done by 7:00.

>> Mayor Adler: Let's see if we can be done by 7:00, six or 6:30. The Kroll report will take up to an hour. I don't know how much longer the other aspect is going to take. Okay? All right. Ten-minute break and then we will come back.

[ Recess ]

[5:12:54 PM]

>> Mayor pro tem is with us virtually. We have, everybody else on the dais, councilmember Casar is not here. Who else are we missing?

>> Councilmember pool.

>> Mayor Adler: Yes. Councilmember pool. I wanted to reconvene the Austin city council meeting here at 5:13. Today is the 21st of October, 2021. We have two items left to deal with. Item number 20 and the Kroll report. I think we should begin with item number 20 and then we will do the Kroll. Councilmember alter, you pulled this.

>> Thank you. I did pull this. I have some comments.

>> Pool: And then I would like to ask some questions of staff, if that, if staff can be on first. I -- a.

>> Alter: I just want to let them know that while I make some remarks. I want to make sure I

[5:13:55 PM]

am heard, because this is pretty important to me. I am ready to deny this request to freeze our parkland dedication fees and to open the Pandora's box of how we calculate these. We passed the speed increase unanimously in the budget in August. It was posted and noticed just like manager's proposed budget. I believe that this item sets up a false choice between parks and affordability that council did not ask the city manager to put before us. We passed the the unanimously in the budget and no policy change led to the increases in the fees. Rather, it was a formula that was designed to address the fact that the cost of land that is used in the formula increases. That resulted from a drawn out

[5:14:58 PM]

difficult stakeholder process. So we have a formula that takes into consideration for once that cost of land in Austin is rising. And that was something that was ironed out in 2016 and 2015 with a very involved stakeholder process with many of the players who are complaining about that fee. I think it is really important that we remember that Austin loves our parks. Every development in our city is assessed a myriad of fees to cover the cost of roads and sidewalks, utilities inspections, permitting staff, and as the cost of services rises, those fees also rise. To single out parkland, in my view, as a unique cost driver is misguided. Irrelevant walls -- I also want to say we have a responsibility not to think just about short-term but also long-term. And as we know from our affordable housing issues,

[5:15:58 PM]

we wish we had land banked a long time ago and with the parkland dedication process allows us to do is land banking for parks and making sure that we are taking care of the needs of our growing city. I have a lot more to say about this topic and am hoping we will have an opportunity to be brief and that there will be folks who agree with me. I do want to ask some questions of the parks department to get us started and then I will pass the mic to somebody else who wants to speak on this issue. It looks like Diana is on there. Good evening.

>> Can you tell me roughly what percentage of our parkland acquisition acreage has been in eastern crescent since 1998?

>> Thank you for asking and I want to say that, during the last few years, and as part of

[5:17:25 PM]

the long range plan, the department has reviewed parkland acquisitions throughout the city. We actually submitted a memo to council in September of 2020 in response to a similar question, and the last stage of that memo includes a map with land acquisitions, since '98. And 1998 was actually a year where -- bond was passed and we

-- it had a significant funding for land acquisitions and I want to mention that Randy Scott who is the program manager for the park dedication for the department is way -- with us and probably can provide specific information regarding this question. >>

>> Good evening, mayor, council.

[5:18:27 PM]

>> Mayor pro tem, Randy Scott with the parks and recreation department. Since 1998, the parks and recreation department and parkland that we have acquired since 1998 is 80 percent of the land has been acquired in the eastern crescent. >>

>> Alter: Thank you. And I will let you two decide who should answer this question. Can you tell me in what way, if any, this proposed item 20 is in the best interests of the parks department and how this would benefit our parks? >>

>> Well, so director Mcneeley, when the concerns came to the department, she felt that the communication level where the development and real estate community was not up to usual expectations and with that in

[5:19:27 PM]

mind, she suggests an extension to fees for a few months for projects that were already in the formal review process. We do recognize that we work closely with the development community as we coordinate for parkland and open space related to these projects, and we strive to build strong relationships.

>> Alter: So can you -- I really want to understand. Is item 20 in the best interests of the park? Freezing the fees.

>> Reopening this Pandora's box, is this -- how is this in the interests of parks at all?

>> It is not.

>> Alter: Thank you.

>> With this, would this action make it more difficult for the department to acquire parkland?

>> Yes, it would. Changes that decouple the parkland acquisition values from the fee

[5:20:28 PM]

schedule, they reduce the funding to acquire parkland in high growth areas which is where the fees are being collected.

>> Alter: Thank you. What would the department say is the benefit of parks and parkland acquisition and why is this a service we provide as a city?

>> Well, the benefits of the parks are many, and at many different levels. I always go back to environmental, economic, and community, we tend to focus actually as a department we focus on all three of them, but obviously the community benefits with for wellness, for activity for the kids and everything else are always high on our mind. But I would also say that city council has established close with the department we have performance indicators that precedents, parks should be within walk distance of the park and the

[5:21:28 PM]

city should maintain a consistent amount of parkland per capita. And this goes -- if we don't have the funding we will not be able to meet those, and the parkland dedication serves as the best tool that -- to create a complete community.

>> Alter: Thank you. And we have a strategic direction prior to of access to parks and trails for all of our community as well. I just want to remind folks as we are talking about the value of parks and understanding the choices before us. And then lastly, despite the fact that many of these groups were involved in writing the formula in 2015 and 2016 and despite the fact that the city manager's budget proposal was noticed and publicly available and the changes in fees were marked in red and what not, we have heard that many projects

[5:22:29 PM]

claim that they were taken by surprise and were not prepared to pay those fees. Can you detail for the work that they have done to accommodate projects in the pipeline and where things stand with that? And that may be a question for Andy. >>

>> And we can't hear you if you are speaking. Or --

>> Can you hear me now? >>

>> Alter: Yes, we can.

>> The parks and recreation department consistently inform development during the, during the development process that fees can be changed in October 1st, they have changed every year since 2016. Through the same process, it was not a surprise. It was a larger jump this year than in years past, but that information was relayed and since it was a larger jump

[5:23:31 PM]

from years past we -- site plans were submitted prior to October 1st in 2021. We are administering the site plans with the 2021 fee schedules, rather than the 2022 fee schedule.

>> Alter: Thank you. I will

--

>> About 100 in the, we have about 100 currently in the process.

>> Alter: Thank you. I will let somebody else who wants to

-- it looks like councilmember

-- >>

>> Mayor Adler: Other people to talk? Councilmember Renteria.

>> Renteria: Yes. There was a response is this morning about the affordability house -- of housing. How would this fee increase affect tax credit houses that are being built where there is a majority of the

[5:24:33 PM]

apartments are 60 percent and under, and then they have a few market rates so that they can use to maintain the property. How would that affect that? , The fee increase?

>> Mayor, I can answer that question.

>> Mayor Adler: Please, go ahead.

>> This is -- with the housing and planning department. That is one of the aspects that we would hope to explore with the affordability impact analysis. As you heard from Megan lash earlier today that the fees for the nonaffordable units that come forward with tax credit type developments do have to pay parkland dedication and for a particular development talked about a significant increase that the property would have to absorb. So that is one bit of evidence from a developer and

[5:25:33 PM]

that is part of the analysis we would do to get a better understanding of, so council can understand that and have that data in front of them with an affordability impact statement.

>> Renteria: And that's one of the reasons why I feel like we need to postpone this, because I am very once with the great need for affordable housing and a lot of these tax credits are nonprofits that are going that route where they are building them for market rate, are using that money and they need that money to maintain a property, as we have seen in the past that some of these apartment checks, especially tax credit, get into trouble and they don't have the tenance money to fix it up and then you

have a lot of tenants that are very upset. So I am very concerned about this increase, especially on our tax credit developers.

[5:26:36 PM]

>>> Mayor Adler: Councilmember Kelly.

>> Kelly: Thank you, I have several questions here and thank you, councilmember Renteria for bringing up about the affordability part. I am wondering if one of you might be able to explain to me why the affordability impact statement and analysis is important to have and it is included as part of the process. I also kind of as a follow-up to that, was an affordability impact analysis when the parkland dedication ordinance was written in 2016?

>> We did do an affordability impact statement analysis when the new methodology was created, and we did indicate theatre D be a negative impact to affordability. We would like the opportunity to refresh that analysis a -- the most recent increase given changing market conditions that have happened since this was initially proposed back in 2016.

>> So to clarify what you just said, I want to make sure I am hearing you correctly, the proposed ordinance today that we

[5:27:37 PM]

would be voting on is to help with the impact on affordability that would be had?

>> So this item should it pass would allow staff the opportunity to go through a revised affordability impact analysis, to look at how this affects properties and developments that are happening now, so that we would have a better set of data to use as part of that decision-making process for council.

>> Kelly: Okay. Thank you. And then my next question is, I understand the increased fees were in the draft fee schedule the in July, but did the city communicate to all of the stakeholders that fees with would substantially increase with the city and as standard practice communicate to the community when there is a change in fees or costs? I know we may have touched on that briefly earlier, I just want to make sure.

>> I know that councilmember, this is Rodney Gonzales, assistant C manager. I know

[5:28:38 PM]

that director Mcneeley is not here but we did confirm with her that that communication was not done. Kel so that communication was not done in this case?

>> You are right.

>> Kelly: Okay. Thank you. My next question is, how would you estimate that you would -- how much would you estimate you would take in from parkland dedication fees from this if I fiscal year if the ordinance were to pass? >>

>> Kelly: I don't know who would answer that. Sorry.

>> Mayor Adler: Hang on a second.

>> That depends on the number of permits that will be submitted and processed during this year, so this is still -- that if we judge from the previous year the estimate is close do about 15 million.

>> Kelly: Okay. Thank you. And then I am really coming from a perspective of seeking a fair process for everyone involved,

[5:29:39 PM]

including our stakeholders. It S like through this ordinance of the parks department and staff is admitting the process was somewhat unfair to our stakeholders, but the ordin would rectify a lack of shareholder process and ensure clarity in future calculations; is that correct?

>> There are two issues there. One is wheth an extension can be granted in order to address some of the communications that might not have gone out proactively to all of the stakeholders. However, theext part of the regulations, it is something that would be -- we would be getting directions from council, we are following the process that has been established in the ordinance that was passed back in 2016.

>> Kelly: Okay. Thank you. Just two more follow-up

[5:30:39 PM]

questions. During the six-month process out lined in the proposed ordinance is your focus on reworking the entire ordinance or just clarifying or improving the way you calculate the fee per unit every year?

>> We are waiting for direction from council.

>> Kelly: Okay. And then one last question. Oh, go ahead.

>> Sure. If I could councilmember, I am reading from the order nance itself. This is not intended to open the ordinance. You can see clearly part 2 says that benchmark study fees would be looked at by other cities, a review of other cities processes related to parkland dedication fees would be done, and as Rosie

mentioned an affordability impact study would be done. Within the parkland ordinance itself, there were some administrative processes that are relegated to the director, and these -- there are these

[5:31:40 PM]

processes, for instance, like right now there is a five-year lookback that is an administrative feature, relegated to the director. We anticipate and this whole process would be led by pard, we anticipate director Mcneeley and her team would have the opportunity to look at how they administer this and get feedback, both internally from our folks at housing and planning, and externally from our pard folks, from our pard advocates, from the development community, and it, and look through that lens of multiple areas, if you will.

>> But in no circumstance open up the ordinance. The other piece of this is that the fee that was in place as of September 30th would continue to be assessed, so this does not stop the collection of the

[5:32:41 PM]

parkland dedication fee.

>> So would it be fair to say that some of the fear of opening up this ordinance to further interpretation is not what intention of the ordinance is?

>> Absolutely. This is, Thi has nothing to do with the ordinance itself as you can see, these are more of the administrative processes that are under the director's purview.

>> Kelly: Thank you for that clarity. I have one more question and will pass it along. Is there any sort of limit to how we spend the parkland dedication, like any time limit or anything like that? And if so, what is the parkland dedication money specifically used for? Adjust so the public knows. I know we got a lot of questions about thn my office.

>> I will defer to assistant director Leon.

>> Parkland dedication fee in lieu of funding is used to acquire new parkland and to develop new parks or new park amenities in existing parks.

[5:33:42 PM]

>> Kelly: And with was there any time limit on how we some, how many years we have to spend that money or how long we can spend it?

>> Yes there is a time frame where the developer can ask for a refund of five years of parkland dedication fees need to be spent California.

>> Kelly: And do we generally have do return any of THA money currently can?

>> No.

>> Kelly: Okay. Great. Thank you so much.

>> Mayor Adler: Okay, councilmember Ellis and then councilmember tovo.

>> Ellis: Thank you, mayor. I actually appreciate councilmember Kelly's last question because I think time limit is five years and it only has been in place for five years, maybe so I wonder how that is going the play out.

>> Five years it has been in place since 1985.

>> Ellis: Thank you for that clarification. So I have put up a post on the message board asking for a postponement which I appreciate councilmember Renteria also thinking along those same lines. I want to

[5:34:43 PM]

daylight my thinking a little better. In my post ski for a a two-week postponement, I see mayor responded with maybe it would be more .. Helpful for us to take this up on the work session on November 30th in preparation for December 2nd meeting, but a lot of my line of thinking comes from this particular process for assessing parkland dedication fees took two years to develop, and so I have been trying to unpack that in two weeks to understand all of the implications and obviously I and a lot of my fellow colleagues are big supporters of our park system, also care about how much money it costs to build housing so this is a really difficult conversation that, to unpack all of the angles from and I also appreciate councilmember alter's line of thinking in that it does seem like a false dichotomy H because there are a lot of different fees that go into the cost of building housing. And I for one would just like more time to run through this. We didn't have the opportunity for

[5:35:44 PM]

a work session to discuss this too, so I really think it would be a good due process for us to take a little more time and look at this more comprehensively and to try to sort through all of the different angles. We certainly don't want to do, we don't want to detract from parkland acquisition or anything that would further inhibit our ability to get green space but also not building housing more expensive than it needs to be, especially in a city with a housing crisis. And I know my voting record is very strong on both of those, so I don't have any questions to daylight today, but I did just want to daylight for my colleagues that I would like to ask for that postponement at the appropriate time.

>> Mayor Adler: Councilmember tovo.

>> Tovo: Thanks, I had some follow-up questions about a variety of things let me start with some of the information Randy Scott, that you provided. So I want to be sure I heard you correctly. That since the

[5:36:44 PM]

ordinance passed in 2016, the fees have been updated annually through the budget process, is that -- was that correct? Was that accurate based on what you said?

>> Yes, councilmember, that is correct.

>> Tovo: So when councilmember passed the ordinance at -- place of process we used exactly that formula year after year after year, it has resulted in an increase year after year after year and that's happened this year?

>> Yes councilmember tovo toe at at this point during any of those years, did you proactively reach out and let -- I am not even sure who you would let know, that these fees were increasing.

>> We have regular meetings with the development community where we do inform them of T fee process that -- and you know, depment community is well

[5:37:45 PM]

aware that this is in the fee schedule that council adopts on annual basis.

>> Tovo: So did you do anything differently this year than you had done in any previous year?

>> No. We did nothing different. This is the same process that we have run through every year for the last -- since 2016.

>> Tovo: I think that is one of the places we are struggle -- I am struggling. There was a formula. I was on the dais when it passed. It was the product of lots of significant stakeholder work and compromises and frankly, it got walked back a bit from where it was when it was on its way to us, and part of that was because of concerns that we were hearing from the development community about affordability. It has been in place. The formula has meant that the fees have had to increase, have increased year after year because as

[5:38:47 PM]

councilmember alter said, the alternative is to freeze those rates and the point is that we want, we want those fees to keep pace with the market value of land because the whole intention is for it to be able to be used to buy land for parkland, to keep one the growth that our city is experiencing and making sure that no matter where you live in the city you have access to park land and no matter what kind of housing you have you have access to park land because we believe it is a benefit for health reasons for all kinds of other reasons to have that access to parkland. So the same process was followed this year as in any other year. This was a proposal the manager brought us, we approved it. So I really want to be careful about the way in which we talk about this. I am can concerned about assertions that maybe the parks department didn't do what they are required to do or didn't handle -- handled it differently this year because none of that appears to be the case. You handed it appropriately. You handed it just the way we always

[5:39:49 PM]

do. Frankly, the budget has various ways in which our fees change and we handle all of that with a notification process that goes out to all members of the public at the same time, a T to suggest that particular groups need to get particular kinds of notification is a terrible -- it would be a terrible precedent in my opinion. Having said that, the I also understand, Mr. Scott, from what you said that -- and let me just alsoay there was a year where we decided in, and set a policy a new policy that out of city residents would pay different rates for youth programs or after-school programs, for summer camps, we did not notify every participant every family who ever participated in that program to let them know that was going to be a shift. Again, like if we started to notify every potentially impacted individual about changes that were reflected in the budget we would spend all -- we would spend a significant amount more sendingut notifications than we do currently and I think it

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is completely unfeasible to expect that. And again, Obama it is particularly concerning to me that there are assertions in the community that the parks department handled this differently or inappropriately.

>> So having said that I also understand, Mr. Scott, that you

-- that the parks staff have worked closely with developers and that did I hear you say 100 projects are being filed, their sites plan before October 20th and so those that will proceeding this year using last year's park land fees rates; is that right?

>> Yes, councilmember. Leading up to what would have been the usual deadline of 2021 fees we process, somewhere around 50 applications to allow them to be under you know, the 2001 -- or '21 fee in lieu of. We also

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have about 100 that are also still in the process that were submitted between October 1st of 2020 and October 1st of 2021 that will be also administered, that 2021 -- that have not been approved yet.

>> Tovo: Okay. Thank you, thanks for that clarification. Do you have any

-- so you know, we have a couple of different ways of paying for park, one would be to use the acquisition .. The parkland fee acquisition fund which helped us successfully acquire lots of acreage and I appreciate the questions of my colleagues about that earlier. The other is through bonds. That parks department done any kind of analysis of how those two interplay and have enter played in recent years in terms of power of bond dollars when we can leverage them against grk park land dedication fees?

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>> Yes, councilmember. We have and we do it on annual basis and under two main ways that we acquire park. We acquire it through bond funding or acquire parkland through parkland dedication. And the fees in lieu of, of parkland dedication we a utilize to buy parkland and we try to marry those to bond dollars to extend the bond life. The bond dollars, what we would call our, are paid for by existing residents, so if you live in Austin and you voted for 2018 bond you approved \$45 million for park land acquisition and that's being paid for by the existing residents and the pod dollars are people that come there people moving here that are impacting our system and the reason the system needs to grow. So the fiscal year, for example, fiscal year 2020 for every dollar of bond that we spent, we matched that with 24 cents in

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pld dollars, so basically that boils it down 76 percent of the growth is paid for by existing residents. And the other remaining percent is paid for by the residents moving here. Fy-2021, for every dollar bond that we spent, the existing residents, we matched it with 34 cents of pld, so a track downward, we increased our pod expenditure in 2021, and enabled us to rely only 66 percent on the -- ofhe exist, on the existing residents for the 2018 bond package. Really helpful. I heard that but couldn't have articulated it. So thank you very much. I mean, because to me, that is you know, one of the key -- the key reasons that we passed a parkland dedication policy, so that we are making sure that as we are welcoming new residents that we are also not putting too

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much burden on our existing residents to pay for those new services and amenities that are serving those residents. I have some additional questions, primarily for the city manager so I will halt this for the moment, but thank you very much, Mr. Scott.

>> Mayor Adler: Councilmember Fuentes and councilmember kitchen.

>> Thank you.

>> Colleagues, I just wanted to take a moment to acknowledge who these stakeholders are that we are talking about.

>> Fuentes: We are talking about developers, and the extent to which developers have influence over how we operate and do city business. It is extremely troubling to me to learn that we had an open and public and transparent process that had developers at the table, they were a part of the negotiations and coming up with, in coming up with the formula and we had the last few years been growing our park system, all of a sudden they have decided that they have an issue with this formula, they have an issue with the fees and they

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want to freeze the fees and to me, it shows the extent to which they are influencing how do we policy, and I fundamentally believe that I was not elected for developers. I was elected to represent the people of my district. . City staff just shared that 80% of the parkland acquisition fees, parkland dedication fees have gone towards parks in the eastern crescent. Communities like mine in district 2 have benefited from parkland dedication. These are -- my district 2 community is a marginalized community that has suffered and been affected by decades of institutional neglect to its policies like this one, the parkland dedication ordinance, that help us ensure that we're being equitable in the way that we do parks, in the way that we do green space, in the way that we follow through on our commitment to take on

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climate crisis that we're in. Just a few weeks ago we adopted the climate equity plan and we know we had to ensure that as we strengthen our resilience as a community, ensuring that we have an environment that is equitable to everyone who lives in Austin is part of that so we have a choice of do we go out -- we have a choice do we go out for more bonds and put the burden on the taxpayers and the existing austinites or do we let new development pay for itself? So it's important to listen to the conversation and the process in which this came about is just beyond. Especially since the notification for youth programs didn't go out, but this process which was done in an open way, we have a budget process posted and available for all our community and available for the developers to keep track of and participate in and somehow they missed a fee

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increase. So now here we are having this conversation. It would be one thing if this policy change or consideration was brought forward by the people of Austin, but it wasn't. It was brought forward by developers. So I think is very clear that we're talking about that and that we're not going in to this false narrative of having to choose between affordable housing or our parks. Individuals who live in low income communities deserve just as much access to our parks as anyone else. And so that's kind of the lens that I'm viewing this policy proposal that's before us, and that's all I have to say at this time.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: I cannot support this item. I think we should deny it. I think I share the sentiments that have been expressed and thank you, councilmember Fuentes,

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that's exactly how I'm feeling about this. It feels like an end run around a process, a very established stakeholder process that went through a lot of analysis and a lot of discussion to come up with a formula that is, you know, based on land values and is designed to give us funds that we need in a fair way based on land prices. And as they're going up, the fees are going to go up and they need to go up in order to be able to pay for parks. So bringing this to council without going through a process, is an end run throughout the process that was used previously to actually talk through and grapple with these issues. Particularly since we're, what, a month or two out of -- after passing the budget this year, so now

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we're being asked to revisit what we already passed in the budget and we're being asked to revisit a formula. And with all due respect, Rodney, I'm not sure how this doesn't impact the ordinance. I mean, that's where the formula is that came up with these fees. So I'm not quite sure that I understand what you're saying. So this is not the appropriate process. We've already addressed the myriad of policy issues that relate to that have to be addressed as part of this. I feel like once again bringing up the argument that we're pitting parks against affordable housing is a false choice, it's not worthy of this conversation. We've had this conversation before. We've come up with a balance and that's what we have existing. Existing ordinance was a well thought out stakeholder

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approved discussed over several years balance. And to suggest now that stakeholders didn't know this makes no sense, particularly in light of the fact that the process THA these stakeholders would like us to follow is an end run around process by just bringing this forward to us without any public input, public discussion or a briefing. So I cannot support this and I hope we get the chance to deny it.

>> Mayor Adler: Let me go first if I can, Pio, because you had a chance to go and then I'll come to you. This is a really hard item the way it's being presented to us and Rodney, you need to know that I'm really disappointed in staff. That it would tee up this item in this way on this agenda.

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I don't think anybody on this agenda wants to make a forced choice between parks and affordable housing, but the way this has been Teed up and set up, it's inescapable that that's the choice that we're making whether we vote yes or whether we vote no. Certainly in terms of how we have been perceived and discussed in the community. And I just think that it wasn't prepared well, it wasn't discussed with council well, it wasn't targeted and it's broad. And that puts us in a really awkward and difficult place on the dais, which is why I'm going to support councilmember Ellis's motion to postpone this so as to give time to staff and the

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stakeholders and the parks department to try to figure out how to get to the same page and to tee up a question that we can all understand. As I read the ordinance that is in front of us, you read from section 2, which certainly speaks about fees. Section three talks about an engagement process. We know how to limit that engagement process to one off fees because we showed how to do that in number 2 but we didn't do it in number 3. Number 3 just speaks to an engagement process so it Beggs the question on what. I look at section 4. Section 4 is the part of the ordinance that has the staff coming back and it says fees and the ordinance. There's no limitation in this resolution or ordinance, whier it is. There's no limitation to just fees. There's no narrowly drawn.

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If we pass this my fear is that we'll do exactly what councilmember alter was talking about is we'd be opening up Pandora's box, we don't know what we're talking about other than hey let's take another look at parkland dedication fee. So it presents what I believe is a false choice between affordability versus parks because of the way it's been Teed up. It's overly broad I think and would arguably open up Pandora's box. We need parks in this city and we have a huge affordability issue in this city. The affordability issue is existential. I think we're losing people because of affordability. Parks is key to life in

our city. I don't think we're losing any people because of parks, but I do know that this is fundamental to the kind of quality of life that we want to live in this city.

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And I don't know why it is that we're trying to drive affordability just by looking at the parks ordinance. I mean, there 100 ordinances -- I wish what we were doing -- and quite frankly, the cost that developers have to pay, that an owner has to pay, that anyone has to pay to develop property in this city seems to me to be out of kilter with every other city that we look at. And I've had so many conversations with people around the country about how long it takes and how much it costs to develop property in this city and I don't know why we're out of line and it a conversation that the city has been having for a long time and I know for at least the last seven years that I've been sitting on this dais that we made some progress and you've made some progress in that department, but relative to where it is that we need to get to it just doesn't seem to be happening. I don't know why we're not

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considering an ifc or something coming from staff that says we're going to figure out what it takes to actually have homes that cost \$200,000 and \$250,000 able to be built in this city so that we can increase supply. That would be a really helpful, useful thing. I don't know whether that would touch on the park ordinance or not. Maybe it would. Maybe it would touch on 100 different ordinances. Maybe it would touch on how we do things. What do we have to do to be able to be able approve housing units in this city for \$375,000 and below because right now in the absence of workforce housing means that any less expensive housing we might otherwise had is getting bid up to a price where people at the lower end can't afford to buy it, it doesn't exist. I don't know whether we should be looking at things

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like let's let third-parties, independent parties, certify compliance with code rather than having code people do it. I mean, there are cities that do that right now and developers can go out and they can hire third-party engineers that are putting their credentials on the line in order to be able to do things and that way maybe that would be more significant for the cost that developers pay, maybe more significant than on the cost of product, maybe more significant on the supply of housing in this city. I don't know how to choose between affordable housing and parks when those are the two things that are pitted against each other, but give me a T choice, affordable housing, do you want affordable housing, do you want more parkland? Or are you willing to deal with the risk associated with having third-party independent people do inspections for fear that somebody is going to game the system or do something wrong?

[5:58:11 PM]

If those are my choices I pick affordability in parks and I will deal with the risk. And I say that without knowing what the risk really is, but we haven't looked at that. But the resolution that comes before us is something that is not targeted, it doesn't speak to that, it pits those two things against each other. I don't know the issue on bad information or misinformation. Obviously there's a contribution between what you just said and the parks employee said about what happened or didn't happen. I do know that it was listed in the fee schedule on page 794ment you can find what it is. You can look at it and see that it's an increase from one year to the next year but I don't know if we call those out and I don't know what it is that we do. I would suggest, manager, going in the future learning from this incident it's been a table of every fee in the city during budget season

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that's going up more than 10% and we just list them all so that people know what's happening to fees in the city and we're really transparent about what we're doing with those. But I know it was publishedment I know back when we did this deal in 2015 the development community specifically asked that fees don't get increased as parkland dedication, if it doesn't get increased on its own, requires council action, it can come with a recommendation, has to be posted in milk and that's what happened. I don't know about the other meetings or the contributions, but regardless in my role on this dais I can't be concerned really about that. It's really what is the right policy for the city. I am tracked with opening up the entire parks ordinance. If we are looking at fees, we want to know what it is that we think the fee problem is. I mean, do we think that the

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formula is a bad formula or do we think that the data going into the formula is bad data or that it's being misapplied? Those are questions. And so that had me them looking at the formula. Now, the intent of the formula we've all agreed is to make sure that we pay more for parkland or that we recognize that the value of parkland is going up. And we're in a market that's going up, and as land goes up, the price of land goes up, what we pay for parkland should go up corresponding to that. The policy that we collectively have driven on this dais is that we want there to be something between the value of real estate and what we pay for parks. The one thing I know for sure is that is not what this formula does.

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It does not do that. What this formula is is it N't look at the value of real estate, it looks at the value of what pard has paid for parkland. And there is a difference between those two things. What we pay for parkland should be driven by the value increase in what the land prices have increased, not the other way around or not something that becomes self-reinforcing. If we pay more for parkland we should pay more for parkland because we're paying more for parkland but that's what this does. This chart, and I appreciate my colleagues, multiple colleagues asking for this chart, this excel spreadsheet in the q&a so we can actually see what the chart shows, and the chart shows it takes a look at all of the purchases that we made, purchases, not sales that took place in the marketplace. Our purchases of things that we purchased. And it takes -- it else us

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what the average was in any given year and then we look at it for five years to come up with a five-year average, which is supposed to smooth that out. But when you look at this formula there are at least three things that are fundamentally wrong with this formula to drive the policy goal that we set as members of this dais. The first one is that it doesn't mere the increases in market value. It only looks at what the increase is that pard is paying for land. And I don't know whether those two things are related to each other or not because there's nothing in this chart that talks about the market value for land. I point out to you that last year the average -- with the weighted average price per acre on this chart for the eight sales in 2020 was \$235,822 an acre and the year before it was \$50,165. Now, prices of dirt have gone up in this city, but

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they have not gone up by that ratio. They haven't. It's gone up a lot, but it has not gone up by that ratio. Even -- that's a year to year increase of almost 400%. It's almost 5 times higher in a year. Again, our prices are going up, but they're not going up like that! And we don't have a formula that can catch that. The second problem with this formula that we have is that to indicate value when you're actually trying to look at value, make any kind of conclusion, you want to have more than just a few data points. You want to have enough data points so that you can actually see trends. If you only have 10 data points or two data points you could be looking at outliers and you wouldn't know because you're on looking at a few data points will. In our last five years looking at this, looking at all of the sales that we used -- again, not market

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value sales, park sales. One year there were no sales. One year there was only one sale. And in two of the years there were only two sales. I would suggest there's insufficient data for us to be able to draw a

conclusion about what the value of real estate is or how the value of real estate is changing from one year to the next. I'll give you a third problem with the formula. And I apologize because I didn't actually get to look at the formula until just a little while ago so I'm for the trying to limit myself just to three problems with this formula. But the third problem with this formula is that it uses the price of an apple and the price of an Orange to suggest the value of a banana. And by that I mean that if you have the sale price of a really small piece of property, quarter acre,

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tenth of an acre, that sales price per square foot, which obviously translates into a huge per acre price, is generally speaking going to be significantly greater than the value of a 25-acre tract. So in the world of real estate valuation when you're trying to value things, you don't use a tiny tract to value a big tract. But yet in our formula we throw in big sales and little sales and we throw them in as a weighted average. We just -- we mix them up. I point out that last year's group of sales that had an average of \$52,422,000, half of the few sales we had were over an acre and half over an acre. The value of the sales over an acre was \$159,000 an

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acre. The value of the ones under one acre was \$1,364,000. And our formula kind of measures them all together -- mashes them all together and then comes up with a number that has nothing to do with the market value of land, which is what we said as a policy we wanted to key off. That's the problem that we have here. We have a random and arbitrary number looking like a random and arbitrary number. So I look at that and I say, you know, this is not the policy that we intended to do. This formula does not do that policy. But the resolution that you have brought is not what you do to fix that problem because the one that you brought I think for fear is going to put us back to retrading or redealing with what was a difficult conversation five years ago.

[6:07:25 PM]

And now it's back to us. I hope you're not going to bring this back to council every four or five years to redo the parkland dedication discussion. So I don't know what the answer is. I don't want to vote no on this. I don't want to vote no because there's a problem here. I don't want to vote yes on this because yes doesn't do what I want either. So I'm going to -- when you move to postpone this for 30 days to try and figure out what it is that we do to not retrade the policy, but to actually be true to the policy that we intended to have, 30 days I think you just need to figure it out and then come back to us and say okay, this is a better way for us to deal with the challenge that's presented at this point. Let's keep the fee that

we approved in place over the next 30 days, let's just postpone this thing. People will wait for 30 days to see what we're looking

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at, but this formula does not -- doesn't work and this resolution does not work. Councilmember Renteria.

>> Renteria: When this came before us before we asked the state for the permission to use that money for affordable housing. And that's what happened and the state said no we're going to give it to you for park dedication because they didn't give a damn about low income people in Austin, Texas. And for the people to be Ng that this is a developer, well, do you know what? Developers do build affordable housing. They label it that. We had Greg Anderson who got kicked off the planning commission because he worked for that and he was a developer. And that's really frustrating for me because

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over the years we have seen what money could have been used to build our affordable housing and we never got the opportunity. The state said no, but they're willing to go ahead and give us this money so that we can build and buy parkland and too bad about the poor people. They will just have to move out of Austin. They can come over here and visit us in our beautiful parkland but they're not going to be able to live here. Mayor Adler councilmember Fuentes and then councilmember alter --

>> Mayor Adler: Councilmember Fuentes and then councilmember alter.

>> Fuentes: Thank you. I appreciate your suggestion about taking a broader look and the policy and making sure that we create policy that solves the problem. And I'm with you on that. I think that deserves a conversation. I don't think that that is something that staff could work on within 30 days. I think that that will be -- you know, we'll need more time to prepare for that and

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I don't think that this -- what's before us today is the vehicle to have that conversation. So I would like to make a motion -- a substitute motion to postpone indefinitely this item.

>> Mayor Adler: Okay. I can't let you do that any more than I can let councilmember Ellis make her motion after she spoke either because you can't make a walking motion. And since you talked first in debate, we can't do that at this point, but we can come back to do that and we will consider what are the vehicles to be able to not make a decision today. But by way of clarification, I didn't want staff to

come back in 30 days with either the exact motion because that's not going to work, nor do I want them to come back with an answer, but I would like them to come back with something that says okay, this is how we think we should approach this challenge. That's what I would like. And I'd like them to come

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back and do that so that we're just not leaving it open. But to your point, for exactly all the reasons that you said that. Councilmember alter.

>> Alter: I would like to move to postpone this item indefinitely.

>> Mayor Adler: There's a motion to postpone indefinitely. Is there a second to that item? Councilmember Fuentes seconds it. Discussion on the motion to postpone indefinitely?

>> Alter: May I speak to my motion?

>> Mayor Adler: Yes, you can.

>> Alter: Mayor, you said a lot in there, but I think what it revealed is this item is not the vehicle to solve a problem that we might want to solve. I don't believe that coming to us after we unanimously voted on the item opening up the Pandora's box with no statement of the problem, no statement of the history, etcetera, really addresses that. I think that a better procedural process would be for several council members to come forward with an ifc. Ta provides the direction. It is not sufficient in my

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mind for you to say to Rodney come back in 30 days with a solution to affordability and fees and a path for that. I think that is something that by tradition we usually provide some policy guidance. We'll have that opportunity in our strategic planning session next week to talk about some of the ways that we want to balance certain pieces and elements of our priorities of which access to parkland and access to housing are both high in our priorities for sb23. So I think that postponing indefinitely is more appropriate. I'm very uncomfortable with how this came to us, how a real estate group was able to get something on the agenda that no council member asked them for without having to go through a process of getting council to bring it forward. And if there were four council members or five that want to bring something together and work on some solutions that provide real direction that's fine. I do also want to comment a little bit on some of the things that you said.

[6:13:31 PM]

The cost of land in Austin, the market value, is way higher than the cost of parkland. The thing about parkland is we have often had to satisfy with floodplains and things so you often see some of these lower level parks. And in terms of value. And so 255,000 is way lower than what we've been paying per acre for our housing, for example, which has been closer to 900,000 an acrement and I know because I have the calculation somewhere in different things. So yes, we could be focusing this on the market value of land, but it would be much higher than parkland and the reason that we use the price per acre of parkland that we purchased is precisely to make it so it's not as high as the land because that was a compromise that needed to happen in order to get anything. We also have to in order to assess an impact fee that has to be resilient to the

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thing that we're -- to be related to the thing that we're trying to fund. So I don't know that we have the opportunity by law if we want to assess a parkland dedication fee to tie it to land in general. It has to be related to what it costs us to purchase parkland. So there are all of those aspects also. It is complicated, which is why I said it's a Pandora's box. I want to be clear this doesn't mean that there's no possible way that this process gets improved or that if we find that suddenly the formula is just not working, that we can't relook at it and take a look at it. This vehicle, though, is not the way to do that, having only teal estate sector at the table when the choice of moving forward doesn't get us to the consensus, doesn't help us to figure out the opportunity that we have so that we don't have to make that false choice, the goal of not wanting to have to make.

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So I believe that if we postpone indefinitely that leaves open the opportunity for folks work on things for people to put their thinking caps on, and again I want to go back to something I said in the beginning, I don't know why we're singling out parkland as the thing that's the choice here. You know, we have street impact fees. You can look and I think it's in the backup. They put what they did for the street impact fees. You can do his analysis, that's called in here, but one of the things we know, we know that we'll have the highest parkland dedication fees in Texas, okay, but I'm not really comparing myself to the other Texas cities on this particular issue. We know that they're going to find that it affects affordability because by definition if you increase the fee on a developer --

[lapse in audio]. There's a lot of problems with the way this is set up

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and we perhaps through this process are identifying something that we need to pay closer attention to and that we have an opportunity to think differently about so that we can come up with ways that there are win-wins. Something that I would really like to see is we need to find a way so that we have commercial projects contributing to our parkland dedication, even if it's just that they have to give us a trail easement when we need it. We have to -- that is something that's positive. This is structured as a lose for parks with no possibility in the way that it is framed that we can win. And that is not going to get us to move forward in a way that our community is going to trust.

>> Mayor Adler: Mayor pro tem I don't think has had a chance to speak yet. Did you have your hand raised?

>> Harper-madison: I did, thank you. I'm just having some trouble finding the mute button. I really, really appreciate this conversation. It's got me thinking about a

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lot of things, and I wanted to make sure to say that I appreciate so much of what our colleagues and you have said so far, especially that bit that you said about transparency. And it got me thinking as we were - - as we're deliberating and everybody is talking it me thinking in a majority renter city the majority of our constituents are renters. I think it's critical that we acknowledge that when you increase costs to build rental housing in Austin that those costs, they get passed on to renters. So that's one point I want to make certain that we're being very clear and explicit about expressing. The fee increases that we're king about here were due to the acquisition of high value land for parks in downtown. I frankly don't see how it's equitable to have a formula that leads to increased risk in district 1 based on just a property for pocket parks in downtown. But the fact is that we

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don't have a complete picture of what the affordability impact of these fees will be. So I think that's not the case with other fees that we charge, much like, you know, councilmember alter was pointing out with street impact fees and density bonus fees and drainage fees, as with any other process, you know, that we work on in the city I think it is -- it absolutely makes sense that we would engage with stakeholders. We have to engage with our stakeholders. They're directly impacted by the policies we make. And not doing so would negatively impact those who need the housing the most, but I would definitely be remiss to not point out that developers are people, you know? When we have these conversations I want us to make sure that we're careful. Words, intonation, context, tone, all of those things mean something. When we're talking to our constituents? I would be remiss not to point out that developers are people. People who work in real estate, who work in

[6:19:39 PM]

development. You could very easily replace the word developer with home builder. And instantly the connotation changes. We have to point out that every single person who is housed in an apartment, a single-family home, whether they are renters, whether they own their home, if you live someplace that somebody built, somebody had to build that, every single business, small business, medium business, large businesses, every school, hospital, church, you get the point. Somebody has to build things and we cannot lump everyone into that monocle-sporting monopoly man twisting his mustache category. I think it's dangerous for us to do that. They provide critical

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using -- we are critically short on house, those are developers. I want to thank you, councilmember Renteria, for really making that point because I just kept thinking. That it might not be the vehicle, but we might have other options to deploy that are better, more thought needs to go into it, the thought process, I agree and support all that. I also want to point out that I think we need to be very careful about having these conversations that we don't -- that we don't other the people who build the things that we live in, sleep in, worship in, get our education in. I mean, we need people who build things. So we should be definitely about not miss categorizing all the people in the industries that they build things that we need. It you for hearing my points

[6:21:40 PM]

and thank you to all my colleagues for really, you know, making very thoughtful commentary a points because it does have me thinking critically about what it looks like to move forward. So I appreciate the conversation.

>> Mayor Adler: I'm looking at Rodney and I think there's a significant majority to postpone this by some vehicle. My suggestion would be what is the best vehicle to be able to do that so that we can get into the presentation that we have at the end.

>> Kitchen: Mayor?

>> Mayor Adler: I'm not stopping anybody to be able to talk. Rodney, you said you wanted to -- you wanted to add some clarifications.

>> Thank you, mayor, I did.

[6:22:41 PM]

The fee increase of whether or not the development community knew it or not and didn't see that particular page in the budget is one thing. Internally we didn't know. Internally or staff did not know about this large fee increase, in particular our housing and planning staff. To add context to the fee increases in the past we had three years of fee increases that ranged from 10 to 13%. The year before this budget was one%. So when you look at that and the historical context you think okay, okay it might be another 10%, albeit we know that prices continue to increase and skyrocket in Austin. This year was 124%. As we put together the budget. Having the community, the community college at large expects all of us to be transparent and for all of us to highlight those things that are most important and most impactful to everyone. This was not highlighted. This was on a single page

[6:23:45 PM]

with fees that were crossed out and new fees increase. I don't think you expect us as staff to not be that transparent with our community. Whether it's this particular fee or other items. I believe you expect us to be honorable. I think that you expect us to be trustworthymnt and I think you expect us to be as transparent as possible. I can tell you with certainty because I had this transferring with director Mcneeley, there was no conversation with anyone about this fee increase. There were ample times to have those conversations. There were meetings post the budget proposal to have those conversations. And they weren't had. And that gives me pause about how you expect us as staff to operate within the community. I believe that we are all trust agents. The community has to trust

[6:24:48 PM]

us. These are their dollars that we're working with. And yes, these are parkland dedication fees and they're so valuable. And we are not talking about rethinking the formula. We do not want to go there. We did not put the formula specifically in the ordinance. What we're talking about is giving council the opportunity to have what you didn't have in the budget to take everything in consideration at our most critical time of affordability crisis. Everyday we read about affordability in Austin, the lack of it. Everyday I know that you're contacted about renters being priced out. Everyday we're seeing those home prices increase. And what we wanted to bring to council is this particular concern that we think that you know that it is a concern in Austin,

[6:25:50 PM]

affordability,. We don't intend to tee up affordability versus parks. That is why we did not say stop the fee collection. It's simply continue the fee schedule that was in effect September 30th which brought \$15 million last year in fee collections, which is great. Continue that fee schedule and allow us with parks as the lead working with housing and planning, working with all stakeholders, not just the

development community, all stakeholders, to bring forward information so that way we could consider all of this in context. We wanted to bring light of day to this so that way we can have those conversations. This was not led by the development community. If anything they flagged it for us that this was there. And I can tell you that I was really surprised when that happened because in working with our staff, and I worked with this council

[6:26:51 PM]

for 15 years --

>> Alter: We have a motion on the table.

>> [Inaudible].

>> Tovo: Mayor, I had indicated -- [overlapping speakers].

>> Mayor Adler: We're going to get to everybody.

>> Kitchen: I don't think these are clarifications with all due respect.

>> Pool: It sounds like a defense to me.

>> Mayor Adler: Everyone has had a chance to speak I'm going to give staff the chance to speak as well. Rodney, you can finish.

>> Thank you. I'll sum up. I just wanted to add that additional context and that clarification to this piece of it, mayor. Thank you.

>> Mayor Adler: Councilmember pool, councilmember Ellis and then councilmember Kelly.

Pool: So I would just say two things, that if the fee was not highlighted, then why did staff not highlight it during the budget. And I will also point out that rents and purchase prices on sales are what the market can bear.

[6:27:51 PM]

They raise and they fall based on what the market is, not always what parkland dedication fee is. It is minuscule in comparison to the costs, and we know this when we look at pro fs, with the actual costs are minor. But the impact of having a park near your apartment complex where you can walk to with your kiddos is major. And mayor, I agree with you that we should not be pitting affordability against parklandment it's a tough choice. And we can rise to tough challenges and we just need to take it on.

>> Mayor Adler: Councilmember Ellis.

>> Ellis: I will try to keep my comments brief because we are out of time and we have more work to do ahead of us. But I could be okay with an indefinite postponement just because we haven't really understood the process and

[6:28:53 PM]

direction that we would like to head together. At our work session on November 3rd, what are the big questions we want address or tackle this in a very streamlined way before to say what do we want to see different? I think include stakeholder outreach. So we've had to do outreach like this before. This might be something that is -- to people who already has this change, they know the situation. And they can say I worry that we are [indiscernible] That are not just managing the park space. We had a lot of conversations around maintenance, recreation centers, programming, trying to make sure that our parks department is enjoyable and now we're asking her to do

[6:29:57 PM]

do this for the development community and home builders and we're asking them to work on other social service tackled by the parks department, I just worry that we're putting so many things on the department when they are already furnished underfunded and we are always looking for ways for funds. So I would like to put a guardrail on coming back to us, but what are our next steps. This is not to say that it is an ifc. I know we would probably all write the ifc differently and it might be hard to trying to make amendments and we need this to be as streamlined as possible. So my recommendation would be to have a guardrail moving forward, what happened if any changes we would like to see in process by which we adopt those fees.

[6:30:58 PM]

>> Kelly: Thank you. I would support a postponement, but a timeline on that. An indefinite postponement does not definitely corctct the matter here at hand today. I would like to have a tied down a little bit more before I can support it.

>> Mayor Adler: I would also support a postpone indefinitely. The more I think about it, the postpone indefinitely is a motion that a body adopts when it doesn't want to vote on. I don't that in front of us. So I support postponing indefinitely. I will join with you and however many other colleagues we have to ask the manager for our work session on the 30th a discussion of this issue. But I want to look -- I'm T trying to open an issue here with respect to what this fee is measuring in terms of the policy that we spent, but as we deal

[6:31:59 PM]

actively as a city with affordability, what is our game plan to deal with affordability in the parkland ordinance? Not to have the answers, but it's an essential challenge. As a body we dug deep into transportation over the years, we dug deep and have hit subsidized affordable housing. Any two of us can ask for that so we can just ask the manager to come back and I know there's more than two of us. I think that councilmember Fuentes said the same thing. So I'm going to support the motion to postpone indefinitely. I'm going to ask staff to come back on the 30th and try to present us with some kind of roadmap to consider to go forward, and that is not to the exclusion of any council member bringing any council member wants to bring. Councilmember tovo.

>> Tovo: I hate to take us

[6:33:01 PM]

backwards, but I have some questions I would like to better understand and as I signaled earlier I had some questions for the city manager. City manager, can you help me understand. I see in the q&a in answer to the question about the stakeholders who participated in meetings since the passage of these fees that the stakeholders who you met with were reca and these were meetings that the parks and recreation attended with the city manager's office. I guess as I reflected back over this last week or so, reflected back over past policy decisions, came forward with what is really a policy matter and put it on the agenda. I certainly know that we've had several striking examples of policy decisions that some of us have spoken up about in recent weeks, including -- or recent months including the decision to allow camping on -- along Cesar Chavez.

[6:34:21 PM]

You are certainly making policy decisions regarding council action in recent months. This is the only item I could think of in recent memory that is an item on agenda that is reversing a decision of the council. So I need to understand whether you are moving forward with any kind of precedent in mind. Another example that was close was Arizona when the council had passed a ban on travel to Arizona and we had a council conversation about it at work session and provided you with a direction with information and data, but that could be lifted. But I just could not think of an example where absent council direction the manager had put an item on our council agenda. So could you address -- there may be examples I'm not thinking of and I would appreciate knowing what those are.

>> Cronk: Thank you, council member. Certainly these are critical policy items for the body to

[6:35:21 PM]

consider and that's why it was so important to have this discussion. And you know, I look back on to even the conversation around land development code and we framed that in a different way at that point in time to make sure that we had appropriate direction from the council in that regard. This is only teeing up the discussion for you to have to say ensuring that we have the appropriate level of engagement, that we know that we need to hear from various stakeholders and because the fees have increased so dramatically that this is critical for the council to take into consideration, both the affordability impact regarding this particular ordinance. So it's just allowing the time for that discussion to happen and that's the reason why we put it on the agenda for today.

>> Tovo: I would draw a distinct between the conversation about the ldc because that happened in a work session involving the council. We provided you with

[6:36:22 PM]

direction. And then the staff went toward and did their work before it and on the agenda. Anyway, we have more time to talk about it, but I would appreciate any example -- because I think it is without precedent at least Rece precedent for an item to appear on our agenda that reverses course on a policy issue without council direction. And I just -- I cannot wrap my head around where in the city charter you derive that authority. So I would appreciate any additional information you can provide. I'm super concerned about some of the conversation that transpired here today around internal staff not being aware of what was in the budget that was brought forward by you to this council dais for action. It is all of our job to know what is in the budget. All of us who are involved in it. And it is a budget that is approved, that is presented.

[6:37:23 PM]

It is the city manager's budget. And so -- I heard what you're saying and I understand what you're saying, acm Gonzalez, but it concerns me when you say internal staff were not aware of an element that was in the budget. So anyway, thank you. I'm ready to vote.

>> Mayor Adler: Colleagues, there's a motion to postpone indefinitely in front of us. Let's keep the debate on that issue. Councilmember alter.

>> Alter: Thank you. I want to apologize for interjecting before. I share councilmember tovo's concern and I really didn't know how to react to that, the notion that we appreciate your honesty, but I find it very concerning that our staff were not aware of an increase of a fee, you know, in budget. I certainly noticed it. It was in red, whatever. So I do need to just acknowledge that and I apologize for interjecting earlier, but that was why.

[6:38:24 PM]

So I made the motion to postpone indefinitely and I appreciate the need for more conversation and I do think that this would be best served in part by a broader conversation amongst us. City manager has put on our agenda, I think it's next week, the opportunity to revisit sb23, which I think is a perfect starting point for us to have that discussion. I don't know that we have to wait until the end of November to talk about how we're valuing some of these things and how we want to tackle some of these things. They may or may not be ready with a particular plan. I would actually prefer if we didn't necessarily have a plan, but that we were having a discussion. And I would say that I want to include there how do we increase funding for our parks and how do we increase access to our parks. and I don't think this should be solely focused on the parkland dedication ordinance and that fee. So, you know, with those kind of broad parameters for

[6:39:25 PM]

the discussion I think it would be healthy -- it would be healthy for us to have more time when we're actually trying to figure out jointly what our priorities are and how we problem solve and what different pieces of the equation we can each bring to that in terms of perspective to help us to tackle the issues that are before us. So I certainly would welcome the general suggestion, you know, as part of that motion.

>> Mayor Adler: Motion before us is to postpone indefinitely. Councilmember Kelly, do you have discussion?

>> Kelly: After clarity on the further discussions we have I can now support the indefinite postponement. Thank you.

>> Mayor Adler: Let's take a vote. Those in favor of postponing indefinitely please raise your hand. Those opposed? I think it's -- councilmember Renteria votes no and the others voting aye. Councilmember Casar off the dais. Mayor pro tem, I think you voted in favor of the

[6:40:25 PM]

postponement? Okay. So the vote then is 9-1-1, this matter is postponed indefinitely. One thing we have left is the briefing. Do we want to -- are we ready to move into the briefing? Do you want to take a break? What's the pleasure?

>> I believe we're ready. I'm going to look for acm Arrellano.

>> I think he's in the back room.

>> Mayor Adler: Let's do it.

>> All right. We're going to swap.

>> Mayor Adler: All right. Item. Let's have a briefing on the Kroll report. Assistant city manager, do you want to kick us off? Or we're waiting for the chief?

>> Let me make sure my mic. It's been awhile since I've

[6:41:25 PM]

sat here, sir.

[Laughter].

>> Mayor Adler: Good to have you back here again.

>> Thank you very much. Yes, so this evening we're pleased to present an update in terms of the work that Kroll consultants have been doing here with the police academy, the pilot academy that's currently in place. What I'd like to do is turn it over to our director for the office of overeating, Farah muscadin, and then hand it over to our consultants. After that presentation, chief Joe Chacon, our newly confirmed cleave, is here to provide feedback on the report that's been given and the progress that the department has made in terms of the recommendations that Kroll has put forward. Eric Jansen good evening, mayor and council. Farah muscadin. I'm here to present results from Kroll and associates. This evening we have Ben he

[6:42:25 PM]

Willers, Ben pen ski and Rick brown. They have been working since June as an independent evaluator for the pilot academy. They have [indiscernible]. Preliminary findings. We are finishing [garbled audio]. They will be presenting their findings up to this point. I will now turn it over to our consultants, mark?

>> Thank you, Farah. Good evening, everyone.

>> Mayor Adler: As the consultants begin, I want to apologize on behalf of the council, I know you guys have been here now for four or five hours and we appreciate that. And apologize.

>> Month problem. Thank you for that. Let me just say on behalf of the Kroll team, we want to thank you and the city of Austin for the trust you placed in us for the policing efforts, so for the next 15 or 20 minutes or so, we would like to provide a high level summary of our overall assessment of the

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APD training academy through the first four months of the 144th cadet class, and we'll highlight what we believe the academy is doing well, a few areas that remain a work in progress and may need some - some area for improvement. If it's possible for me to share the screen, if that can be transferred to me, I don't know if that's -- okay. Let me just pull up -- I have a presentation.

>> Mayor Adler, do you mind if I make a brief statement

>> Yes, mayor pro tem.

>> Thank you, I appreciate that. I want to let everybody know I'm going to be camera off moving forward but my staff and I are listening in.

>> Mayor Adler: Thank you.

>> Looking forward to the present. Thank you.

>> Okay. So hopefully everybody can see the slides.

[6:44:28 PM]

>> Mayor Adler: Y

>> Okay. Thank you. So just as a reminder and back drop, Kroll's roll as independent evaluator is to verify the department's implementation of the Kroll recommendations that we had made back in our assessment report back in April, and as part of the evaluator, our job is to assess whether the park is developing a transformational police academy that addresses issues of racial and gender equity, incorporates diverse perspectives through community partnerships and develops resilient officers through five and inclusive adult learning, and it is all done with the goal of developing a best in class police academy. This 3ek training program began back on June 7th with the pilot community connect -- community orientation program, and it's been

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followed by 32 weeks of training. Currently, the academy is in week 20, if we consider all 34 weeks, they're in week 18 of that 32 week training segment. Just a number of positive additions to the academy, all of which are essentially first for the 144th cadet class, for which we believe the department deserve a lot of credit, this includes adding 30 hours of community engagement programs, successfully creating and implementing the two week community orientation program called community connect. Incorporating anti-racism training, for both staff and cadets. They've also added an 8 hour course on the history of police and race which addresses the historical forces in Austin and elsewhere that impact modern perceptions of the police, among communities of color and why people develop different

perspectives of law enforcement. They more than doubled physical fitness training in this academy class, and they've created a

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formalized process of civilian input in the trng content and specifically referring to the academy curriculum review committee and the review panel, both of which have provided valuable community input to ensure that issues of racial equity and procedural justice are considered in all aspects of cadet training. Also like to know that from the start of the 144th cadet class, chief Chacon have emphasized that the mission of the academy is to train future officers to serve the community and treat everyone with dignity and respect, while emphasizing sensitivity to community concerns, cultural company sieve, the importance of critical thinking and adult learning, and according to a recently administered anonymous cadet survey, the vast majority of cadets have in fact a firm that staff has positively emphasized community engagement and

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community policing throughout training. So as indicated, the department successfully implemented the pilot two week community connect program, which provided cadets with valuable perspectives from community members and organizations, prioritized community concerns as a key element of academy training, and encourage cadets to embrace their role as guardians by engaging with members of the Austin community. Increased community engagement programs has also been an important part of this academy, as the training schedule includes more than a dozen sessions devoted to community focused content, led by community leaders and activists from a wide variety of organization, many listed on this screen. The purpose of this programming is to reinforce when interacting, sworn officers will be called

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upon to serve. I will add her I in addition to the increased community engagement, there's increased community input through the two committees I previously mentioned, the curriculum review committee and the video review panel, both of which have increased transparency into academy training and allowed meaningful dialogue with community and academic participants in the various aspects of cadet training. We have some concerns over the video review process, although that is being addressed, but overall, we've been very pleased with the positive dialogue that has occurred with both committees and all of which are meant to enhance the academy's emphasis on procedural justice, empathy, acknowledgment of racial trauma, deescalation and sensitivity to community concerns. And as indicated, this is the first cadet class to ine anti-racism training of staff and cadets, been in the form a two day groundwater analysis in workshop led by Joyce James

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consulting, and reported by Ms. James' team, the workshop has included meaningful discussions and exercises for cadets to better understand important issues regarding racial equity, based on the cadet and the staff feedback we've received, we found that the workshops have been impactful, allowed cadets and staff to ponder tough and sometimes uncomfortable questions while also allowing for honest conversations with each other and participating community members. And I'm going to turn it over to Rick for the next several slides.

>> Thanks, mark. Yes. Increased cultural competency, and dei training, the 144th cadet class incs increase attention to diversity, equity and inclusion training, in addition to the history of police and race in America, academy training has also included valuable instruction on multi-culturalism, policing issues related to the transgender and

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lgbtq plus communities and interaction with Spanish speaking population among other important forces, there are also issues on ethics and related topics. Court evaluations to date has observed either in person, or through a remote camera system, approximately 220 hours, academy training, including all course contents related to cultural competency training, professional and ethical policing, and other courses that I think pact police community relations and trust building. A summary of Kroll's course assessments that relate to these areas are included in sections 6, 8 and 9 of our report. use of external experts. Some courses including history of police and race interacting with individuals who are deaf or hard of hearing, and victims of crime are or will be taught or cotaught by outside subject matter experts. We believe more classes should cotaught by external subject matter experts, particularly the

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dei-related cultural competency courses, multi-culturalism relations for example, and racial profiling, for example, we work with researchers, academics that work with police and have that -- that can give a better understanding of the importance of analyzing data and how it can impact policy and decision-making by the leaders of the department. This area remains an area needed for improvement. Adult learning methods. Instructors are making a good faith effort to utilize a variety of instructional techniques, including lectures, visual AIDS and handouts. Class discussion, case studies and role plays, classroom culture is discipline and orderly, most instructors encourage questions in class participation. Although some verbatim reading of APD policies for legal code still occurs, there's less reliance reading of materials than years past T lack of videos has impacted some of these

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methods. Next slide, mark. Academy culture. The academy is making positive strides in shifting to a more balanced, resilient space training model, overall, however, a military style culture still prevails at the academy with an emphasis on disciplinary measures and collective accountability. Acceptance by APD instructors of implemented reforms appear to be mixed. Cadet survey, more than half of cadets, 52.4% reported that instructors have occasionally ridiculed the contempt of reimagined police department. This is particularly countered by the fact that most cadets, 91.4% believe the staff places a positive emphasis on community engagement and community policing. We cannot realistically expect complete culture change in the first fifteen weeks of the academy, it's essential that they accept and buy

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into the changes and reforms that are needed. Kroll will continue to monitor these developments in the second half of our academy training semester. Assessment. Did he escalation training, includes significant emphasis on deescalation training, which includes integrating, communication, assessment and tactic. Best practice designed by the police, and verbal communications as a deescalation tactic. The instructors have demonstrated a solid grasp of the material and exhibit exhibited a positive attitude. Kroll will continue to monitor other related training including how the academy teaches force options which is scheduled in mid October, and I have attended the -- personally attended the acad training and a portion of the force option training that is so important to the department. With that, I will turn it over to Dan.

[6:54:44 PM]

>> Thank you, Rick. Defensive tactics in team building exercises. Receive seen a change from the initial days of kind of boot camp greetings of cadets where they're placed under stress and the stress reaction drills they will put forward a changed into team building exercises, which well planned, well executed. They put the cadets in physically and mentally stressful environments, the exercise, they problem solve, they had to work together as a team, they had to develop leaders amongst them, and get through the problems, and it was well done in a positive and controlled environment. In interviews we did with cadets, they were asking for more of that if possible. Similarly self-defense training which used to be fight day and will to win, was pushed back where the learned skills unit gave the cadets the actual physical skills and experiences before

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they went K ofands here they had to go into a ring with an instructor, make sure they were willing to engage in stressful situation. These -- they were well done, safely done, the cadets were placed in stress, and the academy staff is having that conversation. An us versus them conversation that used to occur before I believe, and now it's you versus stress and the ability of cadets to master stress and go to their training when they're in situns that are critical where force could be utilized and deployed, and then as we saw in the role plays last week, not only to able to meet a high level of stress with force, but then to deescalate it quickly. An example, an individual with a knife, came toward the officer, they had them drop the knife, and then the officers realized that they have to learn how to

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transition away from what was a lethal situation into a nonlethal situation and use other tools and the instructors were doing an excellent job of getting into that process and great information to them. Where you find the program is health and wellness is progressing, they're doing double the physical fitness training, some of the cadets said it's the best shape they've been in their entire life, I think there's some additional room for even more improvement there, and we've got some thoughts on how to better do that with maybe some timing, scheduling, and facilities improvements. In addition to the physical fitness, there a health and wellness component and a mindfulness component that has been given to the cadets which is instrumental in keeping them kind of grounded as they go through a very stressful training experience at the academy, and even more so Ving them skills to deal with the stresses and issues they will face when they graduate and are working the streets of Austin and engaging

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the citizens. As many of us know, one of the leading causes of death for law enforcement officers is by their own hand, and that is because of a lack of providing tools to officers to identify stress and have programs to be mindful and well-rounded in your health and wellness. One with physical training, there are physical training assessment standards. In the first twoks, two cadets dropped out, because they failed the physical training assessment. One of them was actually a very proficient runner. However, their ability to row was not what it needed to be when the two schools were combined and they had to leave, and staff felt, and we agree that, you know, they might have lost out on a good cadet who in the course of training could have been able to improve that physical fitness, and they went back and looked at the requirements, actually went back and looked at the requirements

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currently for S.W.A.T. And determined that the run time for S.W.A.T. Might be more appropriate level and as a result in some recent work they've done, I believe they would qualify five individuals that would

not met the standards that were in place when Kroll first saw them. They're definitely working on that, and setting up what is fair and relevant. Next slide mark. Division manager has been very successful in working with staff at the academy, with community, with leadership of APD, with Kroll, and along with the academy Xander commander to work toward all of the things we asked that they consider to implement short-term and long-term, and has been doing amazing job getting that done. And the role for that position has expanded into lots of places. As such, there's little

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need for more clarity and continued reinforcement concerning the exact role and responsibility of the division manager, and we address that in our report and give some options for what the pd might want to do. Fortunately, APD has been able to bring in Phil Axelrod to assist, he's a training -- masters degree in developing curriculum, he's been working with the nuts and bolts to make sure the adult learning model is in place and curriculum is updated, making best practices going forward. With that, I'm going to turn it back over to mark, and he'll take it from here.

>> Okay, thank you, Dan. So, just want to shift the focus a little bit to cadet separations. As of October 8th, there were 19 cadets that had separated from the 144th cadet class due

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To things as injuries, academic failures, covid-19 in a couple of cases and other reasons. However, as of today, and in the last couple weeks, there's actually been some additional separation, so actually these numbers would be adjusted if I were doing this slide today, there are now a total of 24 cadet separation, that has pushed the attrition rate up to 24%. Probably, if it stays there, or right about there, that would be about average compared to many past cadet classes of this size; however, there's more separations that will be cause for concern. Now, as described in section 11 of O report, cadet separations as of October 8th, had slightly decreased the overall diversity of the 144th cadet class; however, we include the most recent separation, it's actually even a little bit more stark of

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a difference. Black cadet representation has declined from 17% at the start of the cadet class to 14.5% of cadets now. And the same is true for the percentage of female a cadet, it has declined 18% at the start of the cadet class to 14.5% of today's cadet class. So we will continue to keep an eye on that as well. Exits occur for a variety of reasons. Most often as a result of injuries and illnesses or failure to meet academic testing standards. This chart displays the frequency of these reasons as of October 1, if I were to update this chart today, the red triangle would probably go up from 3 to I believe 7 or 8. There's been

several cadets recently that have left for personal reasons. Kind of personal lifestyle choices. There's been one additional injury that resulted in a resignation. The other numbers are

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relatively the same. The covid numbers would go from two to try. During the first fifteen weeks of the academy, there were 57 cadets that have suffered on duty injuries, of those 15 for categorized as major injuries requiring in a few cases hospitalization or temporary light duty or in some cases resignation from the academy. The rest of the injuries have been categorized as minor, and as noted there have been I believe six injuries to date that have led to cadet exits, and so on. Minor injuries typically include dizziness, vomiting, exhaustion, swollen, bruised, strained body parts. These injuries along with the major injuries typically occurred during the physical components of the training such as defensive tactics, physical training and performance accountability or behavioral mod face sessions. Both major and minor injuries were most likely to occur or most frequent

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during the performance accountability sessions. Another issue that had been raised recently by cadets was the academy's apparent or perceived lack of accommodations for cadets who tested positive for covid-19, in response the department has been working on ways to retain cadets that are unable to continue due to injury or illness, and again, we will closely monitor cadet separations through the remainder of this cadet class. Concerning academic performance, cadets are giving weekly tests for which they must not fail more than three, and they're tested on a passing score of 70%, for those to date, four cadets have had to exit as a result of this requirement. In addition, a cadet can only qualify to -- qualify to take the final exam if their cumulative average on weekly exams is at least 80%. This, while the number of

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cadets that have -- whose cumulative averages have fallen below 80% has fluctuated during the first 13 weeks, there has been a general decline in that number with currently 12 cadets under that 80% mark; however, I would note that 8 of those 12 cadets currently have cumulative averages of 79% or better, and none of the cadets have below 76% average in discussions with staff, they're reasonably confident that they expect all of those should be able to get over that 80% threshold before the end of the class session is over. And section 3 of our interim report has a fairly detailed section on the progress and status of the department's implementation of each of Kroll's short-term and long term implementations that have been outlined in our report of -- in April, of this year. The majority of the short-term recommendations have been completed and verified.

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This slide highlights the short-term recommendations that continue to require some clarifications or adjustments or still in progress, and we are hopeful and confident that we'll be in a position verify hopefully full implementation of these short-term recommendations by our final report in early 2022. Likewise a number of long recommendations that remain a work in progress, more work is needed to ensure these recommendations are completed in time for the 144th cadet class, as part of our overall or role as independent evaluator, again, we will continue to monitor the progress on the department's implementation of these recommendations and include an update in our final report. We'll be happy to address any specific questions you may have about the department's progress on these recommendations during the q&a session. And let me just turn over the final slide to Dan, who will discuss some additional

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recommendations or adjustments that we've included on our interim report. Dan?

>> Thanks. The work of the video review committee was instrumental in identifying issues, concerns, with the videos being shown to recruit. Now that that work has been done, the flaws in the video process have identified its the belief and hope that the academy will get the appropriate videos for their video library that balance the needs of everyone including if you have a video that shows the use of force by an officer, balance with deescalation video that occurs another process, so it is important, though, for videos to be part of the learning process, almost every cadet in T surveys and interviews we did with them said that many of them who are sight oriented learners said the lack of videos made it harder for them to comprehend some material. So we think there's a way to do both, to get videos

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that are reflective of the concerns raised by the video review panel. Performance accountability measures, it's necessary to, you know, build a team and hold people accountable, you know, it's -- in some cases it seems like they're for minor errors and lapse of judgment. Obviously, more intense and necessary up front and hopefully waning and going away down the road. One of the concerns is that sometimes based on timing, if it's given did inappropriate time, it's taking away from valuable classtime where instructors are having to flip through slides and not give the cadets the time they need to go through all the material. Also, you know, our -- our hope would be that it would be given during defensive tactics or physical training time if necessary when cadets are limbered, warmed up, or

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in the gym where they're less likely to be injured. There's a number of injuries in these events, some might be going from sitting in the classroom to engaging in stressful exercise, ten to fifteen minutes. We haven't seen any humiliation or any concerns previously reported, it's all kind of geared toward team building, but scheduling and maybe some improvements at the academy for infrastructure might make that less likely to cause injuries. Adjustments to community connect, everyone felt it was important, and got a great deal out of community connect. Some of the tension that came from it for recruits and staff is that the cadets started out with the community, and then came back after two weeks and weren't quite ready for the academy experience of, you know, showing up not kind of being, you know, lax in

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your discipline, in the hall ways and how you report it, so both cadets and staff thought it might be helpful to start initially with, at the academy, what the rule, what the regulations are, then go and meet some of the community and do some of the community connect work and maybe even repeat some of that throughout the academy to do the outreach, having built a basic kind of set of rules everyone knew what the expectations were when you were at the academy for training. We also heard from staff, field training officers, and cadets that, you know, used to be a program called rideouts, where some portions in the academy, cadets would ride-out with officers, fros, and actually see what the streets of Austin were like on a night. Many found that from their previous academy staff, academy officers we spoke to, that it helped take the powerpoint off the wall, the training off the instructors handouts and made things come together. And we found that we agreed that that would be

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a beneficial experience for cadets to go out and see what community policing in Austin is exactly. Chief Chacon and others actually had conversations when they were cadets and folks did Rideout, some folks made the decision halfway through the academy, before they invested a lot of time, energy and resources, this this career probably wasn't for them and they had second thoughts, and we think there's some benefit to that for the officers to see community policing from inside the police car as well. As noted, clarity for the role of division manager, and we've said some options forward for section 5.4, there's some things that can be done there, just to make sure that there's focus on the training, the curriculum, and the transition of the culture at the police department. Coordination between the learned skills unit and the cadet training unit, I think some of this is our fault, both Kroll and folks at the city, trying to get -- once we got a

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class together, we kind of said to the academy staff, you need to get a schedule together, we ask for more time, which had them scrambling to put a schedule together, as such, the usual coordination between the units didn't occur, so we were teaching in some cases advanced first aid before we had taught basic first aid, and, you know, doing training that came out of sequence. So we want to make sure that the academy gets together schedule, the building blocks appropriately, so the cadets can learn from the previous experiences and trainings that that they've had. The learned skills unit is the team that teaches, you know, physical training with the cadets, they teach the firearms work as well, very professional, well-trained staff. Everything they do is kind of building blocks go cadets, but they're also staffed, challenged with doing in service training for your officers that are in the streets and your fto officers, and I -- my

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belief, I think the belief of many, is the more officers are training and comfortable in how to use their empty and control tactics, their lower levels of force, the less likely it is that we use tasers and batons, and as such, they have outside staffing needs along with cadet classes that sometimes leave them stretched thin, so we would recommend looking at supporting additional staff there. They do supplement with a diverse group of adjunct instructors when they can, but there may be some ability to do more there. The academy facility is a great facility. It's shared by three great public safety agencies, so police, fire, and ems are all competing for the one gymnasium, the track outside has got some issues and concerns, and all of -- between in service training and academy training, it's difficult sometimes to get proper space that is safer for physical fitness with pads and walls and the ability to fall and not be hurt.

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If at all possible, it's my personal belief that physical training should occur first thing in the morning when the heat of the Texas sun isn't out there, when cadets can come in, stretch, get in a good position, have a work out program, if we need to put them under stressful environments because of behavior modifications, that's the time to do it, let them cleanup, should you, go into class, and focus on education for the day. That would call for either changing in schedules, and hours of operations, or enhance enhancement for the facility. Like I mentioned this before, I didn't speak until the age of 3. My mom had me tested, now she says they can't shut me up. I'm going to stop talking. Thank you for allowing us to present tonight.

[7:15:02 PM]

>> Mayor, with your permission, what I would like to do is go ahead and ask Pete Chacon to come up and make presentation response to the recommendations.

>> Hang on a second, chief. How do I turn this?

>> You're on, you're on.

>> Am I on? Okay, thank you, there's a powerpoint presentation, a short one. All right, very good. Good evening, mayor, councilmembers, acm Arellano, Joseph Chacon, chief of police. I wanted to add comments to the Kroll team to

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provide greater clarity around the work being done at the academy. I want to thank the Kroll team, they've been very engaged in this effort obviously, but specifically with staff at the academy. And with me and my staff as we've gone through this effort, they've been excellent in their communication as we progressed. The Kroll team has provided an extremely thorough report, which details the complexity of academy training, and I'm also extremely proud of our instructors and O leadership team at the academy who actively participated in this evaluation process. If I can get the next slide, please. I've identified a few themes in the report that I would like to discuss in greater detail, before addressing the preliminary recommendations from Kroll. The themes include the academy culture, diversity, equity, and inclusion, and community engagement. I want to highlight that throughout the report, Kroll identifies times that we address concerns

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immediately. This is one of the things that I asked for from Kroll as we were going through and they have done that for us, to let us know so that we could address it immediately and that could be highlighted in the reports that you're going to receive throughout. As an example, when we heard concerning remarks, might have been made by some of our staff about the reimagined academy and the reimagination process, we immediately issued a survey with L to the cadets to -- to look into those as well as during our exit interviews when we had cadets that were exiting out. Addition, many of them expressed concerns with our protocols around covid, and a concern that they might wash out, because they might catch covid, and I immediately sent the highest level protection that we had, which was the kn95 mask to the academy so that they had those instead of other masks they might have been suchs, such as

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certicals or gators. Talking first about academy culture. This theme is perhaps the most important part of the academy change and one that has had successes and also areas that we need to change. The areas of diversity, equity and inclusion, and community engagement has been instrumental in this area as well, as we take steps toward academy change. Our successes that we would like to highlight, the adult learning, we've started incorporating various adult learning principles including active learning. We're working on future academy schedules that will facilitate more active learning and ensure that the content is appropriately scaffolded to achieve the best retention. With regard to the perception of our instructors, this has been positive throughout the report. Kroll watched T instructors and found them to be professional in their interactions with the cadets and that the tenor was one of

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dignity and respect. And then the learned skills unit, there have been past reports certainly to council and others that were critical of this team, however, Kroll did not witness a single interaction that was anything other than professional and supportive. Teaching in this area is a specialized skill set with constant active learning and the report points out that the instructors are highly competent in their skills and effective in relaying the material. Given the scrutiny on use of force, we're extremely proud of the positive evaluation. We want our officers to be confident in their skill set and able to control and defend themselves if necessary. Last week we just finished the response to resistance role plays where instructors evaluated the cadet's ability to articulate their response to resistance as well as their ability to transition to a lower use of force. I think that's what you heard the Kroll team

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talking about. We take this training extremely seriously and want to make sure that our cadets can identify situations accurately, act accordingly, and articulate their response. There are areas where we can improve and that we'll focus on. Performance accountability, or group accountability, has always been part of our academy. We will be refining our process to ensure that we build in time for study sessions or group accountability during the first fourteen weeks. In the current class, we're moving from the group accountability into the individual accountability phase. And group accountability will be limited. ISIS is consistent with how we want our cadets to think about policing. First we are responsible for each other's actions, but we ultimately must have individual accountability. Helping to clarify the concept of reimagination,

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I'll just tell you, I was concerned when I first heard reports that instructors were mocking the reined academy. However, my team is making -- ie process of developing a strategic plan that will go outlay for

the next three to five years for making progress so that all training staff is aware of what the term represents in real kind of measurable way, and believe the clarity will lead to full buy-in all by staff. Next slide, please. In the area of diversity, equity, inclusion, the groundwater analysis course that you heard about, Joyce James team has done a great job of starting the initial conversations with the cadets, and we're looking forward to seeing how these cadets will utilize that knowledge and that lens in their policing. We also talked about the history of race in policing in America, in Austin, there was a class that we began teaching

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this academy. Kroll's report highlighted the expertise and skills of Dr. Kevin foster, and we're grateful he agreed to teach this course to the cadets. And victim services, they have already taught one class to our cadets and they will be teaching another one specific to intimate partner violence. Lisa, who is our victims services staff member, assigned to the academy, will be working with our staff during basic role plays, which are on going, and intermediate role plays which will take place in early November. We also have the cadets review online educational modules from the office of justice programs within the department of justice and the office for victims of crime to understand any current training gaps. We want to make sure that our cadets have access to the most up-to-date information and are proactively seeking these opportunities. In total, we have over

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250 cadet reviews on the modules and are evaluating that feedback. We're sharing the feedback on crime-specific modules for instance, elderly abuse with the instructor of the course and with victim services so the relevant material can be incorporated. This is the areas that we need to focus on, we are reflecting on the feedback and making changes. Some of these courses were successful while others still need more work. So similar to the section on community engagement, we need to make sure that the right people are working with our instructors to supplement the content. We will look forward to making more progress in this area, and I will discuss this a little bit more in this next section. So next slide, please. With regard to community engagement, you heard about community connect. Kroll has highlighted the

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success of the community connect program, we'll be building on that program for the next and future academy classes. I want to say thank you to our community partners who participated in this effort and look forward to engaging new community partners as we build a program out. We will be putting in new courses with regard to the incorporation of mindfulness and resiliency. You heard Kroll talking about

that, as well as more community engagement hours. And then with regard to the academy curriculum committee, we find that to be a success overall, the Kroll report reinforced that we are on the right track with that committee. I know that community members have been anxious about the amount of material and our ability to be able to get through it in, you know, in efficient and kind of

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quick way. In response, we have moved toward more working group meetings and increased the number of classes that are being reviewed. So the number of courses and exact -- and the exact courses have been identified for the rest of this year. In addition to the courses, we've also included the committee and reviewing various documents that are -- that we are utilizing to improve our curriculum process including the new process of curriculum review that will include peer review, by instructors, corporate level review, sergeant level review, lieutenant level review, and our team, education team that are out there as well. Each part of that review process details the exact areas of review to ensure that no important components of the curriculum are missed. In that review. We've developed an instructor evaluation form which is new and will be utilized by the training team and

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supervisors to help instructors improve performance, as well as an improved lesson plan format to distinguish the active learning components. At the same time, we're finding the process with community input to balance the amount of material and the level of attention that the committee needs to spend to be able to review the material, give feedback, and get feedback from APD on the course once it was taught. And finally, while the committee is advisory, we want the committee to be able to advise on all academy curriculum including courses taught to our current officers. Every aspect of our training needs to understand a community lens and we are glad that this committee is working with us toward this goal. Areas we need focus on include bringing in more lived experience and subject matter experts, that was a recommendation, Kroll points out repeatedly that we need to have community members and SMEs in many classes.

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We have hired a part time community engagement specialist to assist in our outreach to universities and community groups. The relationships take time. We want to invest in those relationships. I look forward to sharing more of that progress in our future meetings. Then with regard to the video review committee or panel, I think that you heard a little bit about that from Kroll as well, they certainly have been an important part of getting our academy going again, and academy reform. I want to thank the members who have stayed on this committee from the start. It has been a slower process to figure out how to

move from that initial diagnostic stage where the committee presented evidence of our needs to the current stage where APD lieutenants are working with the committee on helping improve our process for reviewing video. Similar to similar to Kroll's position we also value video as a

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training tool and therefore the committee is working towards several goals including assisting and developing a video review worksheet and class video overview form to document video reviews and aggregate video data for each class with clear learning objectives for each video that we use. They're also assisting in developing the internal supervisor video review process, reviewing various course videos with academy instructors and providing those instructors with constructive feedback. Adjusting and refining the video review process based on those audits, helping to identify additional sources of video that will be content that's suitable and helping to create a video for instructors with community input for training

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our academy classes. I'm very proud of both committees. They are demonstrations of the efforts that we have taken to involve community voices in our training academy. I think it's important to address both the successes and the challenges that both of our community committees have faced. As noted by the two week pause that we took on the committees in early August, we want to refine these processes and I'm pleased to see that Kroll identified areas where we have been able to be successful. And if I can get the next slide. I'm going to go over very quickly the recommendations. Our response and what we anticipate the timeline to be. With regard to the use of instructional videos, APD agrees with this recommendation, and the video review panel is working as I discuss on helping academy staff refine that process so that we can select and use videos using

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a community lens. With regard to a performance accountability we agreed with the Kroll recommendations. We will work on scheduling time in future classes for performance accountability. Making the adjustments to community connect we agree with this recommendation. Future classes will start with an initial week of an introduction to the academy in which they will come and be in the academy for that week and then transition to community connect for two weeks that will help us to set the framework for the expectations of the academy. With regard to adding the rideouts. That is under consideration at this point. I believe and I think that you heard Dan talking about it that there is value in the cadet rideouts. It is a high priority for us.

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However, due to the need to get these academies done in a timely fashion and our staffing issues that we're having, this is something that we're probably going to push out to future academies and not necessarily to the ones that will be starting early next year. Next slide, please. With regard to clearly clarifying the authority of the division manager, we agree with this recommendation and will define that role in the academy procedure by this year. The academy recommendation we also agree with. We are conducting weekly team meetings. We are preparing curriculum for the next academy class and as we bring our learning management system online that will tremendously help us to be able to see that and coordinate it in a better fashion.

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The learned skills unit staffing needs we agree with this recommendation as well. We will be increasing staffing for the 145th and 146th. One of the toughest things for the lsu instructors is really the toll it takes on their body. The physical needs for the defensive tactics and all of the things that they're learning is with instructors and as you go through 100 people in a class they're pretty beat up and bruised and limping around and they need the help so we will be bringing people online for them. And finally with regard to the needed improvement for the facilities we agree with this recommendation, the funding for a scenario based training facility that can include instructional space, gymnasium space as well as an ability to have a scenario-based training in it has been identified and through the city manager's office will be advanced when appropriate for council

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approval. If I can get I think the last slide. So in conclusion, we appreciate the critical recommendations and looking forward on how -- the Kroll recommendations and looking forward on how to improve the academy. The process of being evaluation has been and continues to be challenging. But we're proud of the report as it demonstrates the professional nature of our academy and the instructors' willingness to move to gnaw training paradigm. We'll be coming up with a strategic plan raise discussed to ensure that we're making progress and moving towards achievable and important goals and the plan will allow us to be transparent with the community on our training goals and build on the lessons we have learned thus far. Ultimately we want to trainkets and officers that continue to -- train cadets and officers that continue to meet the high expectations of the Austin police department as well as exceed community expectations. Thank you for this time and attention. I look forward to your

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questions.

>> Mayor Adler: Okay. I'm sure we have a couple of questions, but before I do, Farah, I'd like to know what you think about this report.

>> Thank you, mayor, for the question I think the report is comprehensive. I think most of the council knows because I've been the project manager I've been pretty involved in work that Kroll has been doing and in instant communication with chief Chacon and his staff. I agree 100% with the sentiment that both have shared today in that there has been improvement, but there are areas that we still need to work on to ensure that we really accomplish that reimagining of the academy and make it sustainable so it's not just a one-time situation with an independent evaluator and monitorer. So I do believe that we are on the right path and I do appreciate the frankness in

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the conversations we have particularly about the areas of improvement and the department's openness to work on that, make the changes that need to be made in realtime.

>> Mayor Adler: Thank you. Chief, from my observation in reading the report and hearing the report, a lot of progress and a lot of areas that we had identified as real concerns still challenge us in many of those that we need to make sure that we're moving forward on. This community right now has amongst challenges two, and that's to make sure that we have cadet classes that are changing the culture in a way that furrs the community's goals and at the same time keeps the community still one of the safest in the country. We also have a need for more police officers out on our

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patrol. And we have a lot of vacant spots that are funded that we need to fill. And I don't think our community has the ability to focus on one or the other of those two challenges. We have to figure out how to do both of those at the same time in a way that does honor to both those needs. My specific question to you is on the conceptual clarity of reimagined, that was the number that stood out to me. That if we have 57% of the cadets saying that they run into resistance, that's a concern because if we're running into resistance, then a lot of the other stuff might not ever take seed or ever take hold. So I appreciate the work you're doing to address that because that's the number that really stood out to me. And I'm concerned and appreciate that you're going to be helping the training folks understand this

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concept. I would like to see you get that out to the entire force because I do believe that if they heard what it was in reality as opposed to what they just hear, that they too, the ones that don't know, would support the effort and the program too. So I would urge you to address that more broadly. We had a speaker speak to us today at the public communication portion at noon where people could sign up to speak. I don't know if you've heard. It was a woman dealing with homelessness, dealing with encampments there where she lived. And she was pretty adamant that the police officers that have been going out ere have been telling her that they're unable to force our laws. Something about having been told by city attorney's

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office they can't enforce the laws. And we as a group said not true, and you would like to know who it is that might be out there saying that because it not true. But I just wanted to share with you that we spent 10 minutes on that topic with her this afternoon.

>> I did see that, mayor, and heard the conversation. Obviously we've been having this conversation about this topic for some time. My messaging to the officer as I've said before has been consistent, that we're going to do our jobs, that we're going to enforce the law in the most appropriate manner. The background that I would like to know from what she was talking about would be when those comments occurred were they during times when we were not relocating people because of covid or

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was it during one of the earlier phases of our responsible public space management program that we out laid towards the effort. And were some of those comments that officers made heard differently than the way they were meant. But certainly if we have the names and we can go back and look because those officers have body-worn cameras and we can look at the video and so forth, then we can do that. My team is working directly on that space, has been, and we have a plan in place to address it.

>> Mayor Adler: Thank you. Colleagues? Councilmember alter.

>> Alter: Thank you. Before I ask questions I want to applaud our cts in the 1 -- cadets in the 144th class in their pursuit of

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service and from what everything I've read and heard appears to be a really strong and professional approach to what it is -- what it means to be a police officer. And I want to thank our academy staff and our chief for embracing the possibilities of change and learning. One of the things that I found most important in the Kroll report and it's been mentioned I think by Ms. Muscadin and certainly in the way you frame your remarks is the willingness to improve the experience to iterate -- it's normal to iterate it's not going to be perfect right out of the gate but we're going to look at how we're going to improve where we can make the experience better both for our cts in their experience and the training. As I appreciate the honesty and transparency that was evident in certain sections, so both with respect to performance accountability and with respect to the division manager's authority.

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So I wanted to say that before asking questions. I have a couple of questions and I'll try to be as quick as possible. From what I've read and what I understand, a lot of the success and the progress of the academy has come from Dr. Cringe ns ability to get the work done and work long hours. But we're learning that sworn staff ignores her request for police direction. And one of the recommendations in the report is to further define the division manager's role. Kroll essentially gives two options. So I would like to understand how you intend to further define the division manager's role and in your presentation you said you would do it in the academy's operating procedures but I'm concerned that those are easily and often changed and that there is -- there are ways to codify civilian roles and authorities in the general orders so I would like to understand if you

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will consider -- owe commit to codifying civilian roles in orders. We do rely a lot on civilian work and expertise in APD, and that's great, but I want to make sure we're doing what we can to support them because the success of this endeavor is going to need to be there for her. She's going to need that support. And then for any subsequent leaders of the academy.

>> Yeah, thank you, council member.

I agree with you: We need to provide clarity on what exactly her role is. I think some of the questions that have been raised about what her authority is are directly related to chapter 143 O the government code and the fact that we have sworn folks and civilian folks that are out there working and those questions have been raised with regard to whether she has the authority to give a sworn

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individual an order or something like that. I think clearly when I get out there and I look at the culture that we're building at the academy, this is not really an issue. She's not attempting to give an order to anyone and in these circumstances to do it very quickly and needs timely responses. I think the part of as I've gotten into the issue, the problem is -- has to do with the number of staff we have at the academy and what we're asking of them. And like many of us when asked multiple things, some will fall off and is not handled as quickly as it needs to be. And it has left her in many times frustrated because she feels like it was ignored, we're working on that, but I

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think it's important also to -- Kroll's point to be able to clearly identify what her role is there in that academy structure. And that's why we chose the sop because that has to do with the academy. I certainly hear what you are saying, though, and as we look at her role as the level that she is, is there going to be an opportunity to increase that role as -- for the entire organization, at which point it may be -- and it may be sooner rather than later we will have to make that determination about whether it's the most appropriate to put it into the general orders which obviously covers the entire department or not. So right now I'm still having those discussions with staff and we'll figure out which way is the most appropriate and the timing for each.

>> Alter: Okay. I would just like to ask you to consider it so it's more

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lasting. Again, we have someone observing right now and so I'd just like to make sure it's lasting. Let me jump to another question and I think this might be for Kroll. I'm not sure if it's -- whoever is appropriate can respond. So many of the field train officer training recommendations were still outstanding. The fto's are such a critical piece of the academy success and we need to make sure they're on board and up with the training to make sure the new cadets have the training reinforced. This has to be done before this class graduates. What's the expected timeline for completion of those recommendations.

>> I'll take that one. When I was visiting Austin for training back in September, I actually met with the officer in charge of the fto program. That's the nice thing about being on the ground there is I've actually had the sit to discuss the continual assessment and the deprogramming of active

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military people that come into the pol department and to the military or National Guard duties, those kinds of things, mental wellness kind of thing. We talked about this mto policy has just been updated. As a matter of fact, the lieutenant and the sergeant I was out there a little over a week ago for portion

options and they told me they were working on the draft for me to look at and just yesterday I received that. I just haven't had a chance to dive into it yet, but I think we are on the right track. They have -- I'm very hopeful because the lieutenant and sergeant involved with me on this are very excited about the investment the department is making in the fto program so I think that we should -- we're working together to make sure that they meet the recommendations that were put forth by our team before this 145th class.

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>> Alter: Thank you. If you don't want to add anything I'll ask another question of Kroll, the report --

>> I'd like to add something to that, council member. Much like the mayor, I was training cadets and one thing and shaping minds and changing officers in the streets is another. I was with Rick last week watching the role plays and about 40 or 50 of the fto officers were actually playing the roles at the academy. And I engaged them in conversation and I was a little jaundiced based on my life experience as a police officer who has been on the job for awhile having different experiences and thoughts than cadets. And when I asked them what they thought of the training and the changes and improve, I was pleasantly surprised that they agreed with a lot of it. Felt like this was great. They thought more physical fitness, more skillstraining, dehe is ka liesization training and they were quite positive and supportive of the process. And somewhere along the line

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they have come back and gone through what the recruits are learning and one of them said that was helpful to me because I haven't been in the academy for a couple of years and I see a recruit doing something and I want to judge them on things that I did four years ago. So I was -- it seems like the process started with the ftos that they can be built on and those 40 or so folks who were there, some of them I think on they're own time to do role plays, were a great step in the right direction.

>> Alter: Thank you. So the last question, I know we're all tired. I have other questions but I'll limit myself. The report indicates serious concerns about starting the 145th class in February. For the Kroll team can you tell us more about whether you think it's feasible for APD to implement all your initial recommendations B February 14th? And if it's not feasible what is a more appropriate timeline or start date?

[7:49:40 PM]

And I I'd also like you to further outline what your concerns are if we start too early.

>> I'll be happy to take this. I think our primary concerns were when we heard that there was plans potentially to start the 145th in February, of course at that time I think our -- the timeline for our final report had been set at something like March 7th, the first week in March. So just one thought was, well, if you start the class in February, that's before we've even issued a final report, made any final recommendations, made any final assessments of where the academy is on implementing not just the short-term, but the long-term recommendations, which again the plan was to have them all implemented prior to the 145th. So that created kind of an automatic issue that we felt needed to be at least

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highlighted. We've since had some tentative discussions about potentially moving our final report date up into earlier some time in February, probably second week or so of February, and I think we should be able to do that if that's decided. That at least will help get our final assessment out prior to time, however, I do think -- I think we all agree that a February start date is still going to be problematic and unlikely to be able to assure all of those recommendations have been implemented. The actual time that is needed, whether we're talking a month or two months, as Kroll we're a little reluctant to interject obviously that's a decision for the city to make in consultation with chief Chacon and the city manager and opo. But I think if you were

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asking our judgment, it would be probably having some time in March or April be a more realistic start date in order to be able to assure that a sufficient progress is made on the long-term recommendations.

>> Alter: Thank you.

>> Mayor Adler: Councilmember Ellis.

>> Ellis: Thank you, mayor. I wanted to ask a question about the two people who stopped going to academy because of covid infections. I see in the report that they had to quarantine so they missed enough of the class that they weren't able to continue. And that you may have further discussions about how to monitor that in the future and what type of accommodations could be made if that's at all possible. And then I'll follow up with my second question if it's helpful to do them together. But do you have a process for testing or at least

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weekly testing or vaccination exemption, are you doing things like that with the cadet academy class?

>> Yes. So most of the class is vaccinated and we are testing once a week at the academy. The issue that it makes the police department a little bit different than, say, fire or EMS or other training academies, is just the nature of the work and that they have to be hands on. For instance, we just went through four weeks of skills weeks doing everything from driving to shooting to defendants sieve tactics and all of those things of really close interaction between the cadets themselves and the cadets and instructors. So we need to make sure -- if we know we have some that are positive for COVID that we take them out of that environment, many times because of the worker's comp

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rules and things like that they don't have an opportunity to even be report. If they are asymptomatic, and these are the things you do right now if you're working with special resources is there an opportunity for them to be remote and can they virtually come into the classroom. Believe me, I need every single one of them and I want them there. So we're doing everything that we can to do that. With regards to the ones that we did lose due to COVID, we have worked -- went through human resources to be able to retain them as employees. We're going to find other places for them in the department until we start the 145th and then they'll have to restart and recycle into the next academy but at least they will have the opportunity to do that and we'll still have a job between now and then.

>> Ellis: That's great. That was going to be a follow-up question so thank you for answering that.

>> Thank you.

>> Mayor Adler:

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Councilmember Kelly.

>> Kelly: Thank you, councilmember Ellis, about bring that up about those cadets a that they are able to maintain their jobs.

>> Thank you.

>> Tovo: Thank you very much. Thanks for this is thorough report, for the thorough presentation today and the response is all really interesting. I have actually a few questions as well. Going back and forth between the presentation and the response from APD, I think what I'd like to understand, chief Chacon, is what do you mean by an appropriately scheduled time for the administering performance accountability. I'm assuming given the tie between some injuries noted in the Kroll report and those sessions that by appropriate scheduling you're talking about what they were talking about with regard to not having cadets go right from the classroom

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to those or -- in different settings where they might be safer or more warmed up.

>> That's correct.

>> Tovo: Can you just confirm that that's --

>> Yes, that's correct, council member. What we will no longer be doing is pulling them directly out of class or asking them to stop class or take away from class time in order to do performance accountability. Those need -- there's two things. Number one, the cadets need to be warmed up. And we recognize that and I think while some of the injuries that occurred during performance accountability I'm not sure could be directly linked to the fact that we didn't warm them up. That is a concern for me certainly, and so I don't even want to take that chance. So having that done -- and the other part is moving it -- the ideal situation is to do it during the physical

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training part of the academy so that we build that in and add that time on if there's some accountability measures that need to happen. The problem is that we don't have it every single day. And so moving that to a separate day some times has been something that the staff has said has not been as effective. So we're going to need to build some into the academy to make sure that we are not taking away from the classroom time or pushing that performance accountability session to the next day. Whenever we make sure our cadets are staying warmed up, that they're doing it at the appropriate time that we're not cutting into classroom and that we're still maintaining the accountability piece that they understand that and don't repeat it.

>> Tovo: Also, I don't mean to spend too much time on this issue, but just very quickly, there were also some recommendations about kinds of

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infractions that should lead to that response is that somebody something you also intend to respond to?

>> I am working with staff through that, I think that a lot of this goes back to the way we have done things in the academy for a really long time, making sure we have a disciplined environment that we have cadets that really respect that and understand that, and sometimes that doesn't happen, and so even as it may seem to be a minor infraction and I am not saying we should be having performance accountability for minor infractions, but they need to be pointed out and they need to be appropriately handles, maybe not in every instance with a peemle performance accountability session but rather by

having atern talking to, have them write a memo or having a meeting with their instructor counselor might be more appropriate, those are all the things right now that as a staff the training staff is

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working to make sure we are doing it the right way.

>> Tovo: Thank you. Especially since you ended by talking about respect and how important that is, and when I have some questions a and because of the late hour and because of the time I am trying to rush but I want to just say you know, one of things I really appreciated about the Kroll report is the extensive quoting they did of your intro speech and I thought that really gave you know, obviously I wasn't there and so that really gave may very clear sense of the tone you set and the work you did to create right from the outset of an important culture. For the new cadets, so thank you for your comments and thank you, Kroll, for including that level of detail, not just there but throughout the report to really help us get a very clear sense of the trend that is being set. The tone that is being set. I want to talk though, one other, one of the comments I thought was interesting maybe because questioning and creating spaces

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where questioning is a valued thing is on my mind today especially, because some of the aerial conversations we have had hear, one of the comments jumped out at me on page sure four and that was a comment from one of the cadets I am yet to ask a question in a classroom setting because of the strict rules around addressing instructors, I understand completely the need to dstrate respect for instructors and plenty of opportunities for that throughout the day outside of the classroom however in the classroom, it is completely counterproductive. There wasn't any context provided for that comment so I am not really sure what they are referring to, but I definitely think it is important for people to be able to and feel welcomed andited to ask questions as they occur to them throughout the day at appropriate times, obviously. What are they talking significant maybe in is a better question for Kroll? What are they talking about as far as the roles related to the

-- how one addresses instructors?

>> I can take that,

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councilmember. If you want to ask a question as a cadet in the classroom setting you have to stand at attention identify yourself as a recruit orca debt officer, Linsky, my id number is 6174, sir, ma'am, here is my question. And, you know, I understand that, I grew up in that world, that happens in academies

throughout the country, I also was in the academy instructor and the first thing I said when I was teaching criminal law is stay in your seats, I want you to have a good exchange of information with me. Outside in the drill field and part, we are going to do that, in this classroom I am here to exchange information with you, want you to relax and be comfortable asking a conversation with me. I can tell you there is a mixed crew at the academy, some folks keep the formal process and instructors keep the formal process and cadets go through it and some instructors say gather around, what have you got? Any questions? Any comments, any thoughts, any ideas? And I think that is where the.

>> Casar: Debt, cadet came

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from, that they felt like you know what? I would rather just wait -- and you do see a lot of it where they won't ask a question in front of their fellow classmates and then there will be a break and they will go up to the instructor and say, you know, sir, ma'am, can I ask you a question? What about this, that and the other thing? And have those informal conversations. So I think it is just balancing the way things have always been done and kind of balancing the learning model going forward today thanks for that, that is very helpful. So two situations I wanted to talk about. You know, I really thought, I thought there was a lot of evidence throughout that really illustrates enormous progress and again because of the hour I am not necessarily highlighting that but I just want to commend you and your staff. I really thought this was a very strong report and shows a lot of responsiveness I know many of us were in

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communication with the community members and found us a really, had on his Facebook and followed up with e-mail talking about how he had made the offer to the cadet class if you ever want to come and seek me out you know, I am here and available to talk and at least one of the cadets did that, showed up at his house and continued that conversation. So to me that coupled with the conversations I had with your cadets at that event where there were you know, as an introduction suggests that community connection piece is really valuable so I appreciate the way Kroll has suggested ways to kind of integrate that throughout, but again I see a lot of real reason to be very excited about the work that is going on. A couple of the things that I did want to know, chief, how you intend to respond to, in a couple of the classes, racial profiling, racial profiling and then sexual harassment, I think those are the two classes that stood out for me as being, having some

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real areas of improvement and some of the conversations sounded a little bit like this is the way we should do it and I think this is what Kroll said with regard to sexual harassment. There was a little too much emphasis on be careful to do it this way because you might get into trouble and needed to be more -- on forms of harassment and retaliation or strictly prohibited because this sort of conduct is wrong and can't be tolerated, to me that same assertion could be made about the comment in the racial profiling. Class. So how do you intend to address those issues? And this ask leading up to my final question which is going to be the one about fining with regard to the --

>> So this is what is so great about this process is we knew we weren't going to get it exactly right, and having Kroll sit in on especially the really

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critical ones, whether it is the ones you mentioned or some of the other ones that I think that there certainly are some areas for improvement is to be able to use folks we brought online, Dr. -- And Alex to be able to focus on those classes, help instructors to learn, you know, expand their skill set a little bit on how they are conducting that instruction and then continue again to just kind of you know, as the class, as the cadet classes move forward in the future how can we continue to improve those? The work that the curriculum review committee is doing to make sure that the curriculum is outlaid the right way and we are putting the right focus on those so I think it is going to be an iterative process where we continue to improve and we put the focus where it needs to be. And then

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with regard to I think your last question, you said was the timing of the next class, right? >>

>> Tovo: It was, thank you.

>> So I will tell you, I think it is very important to me, I think it should be important to everybody that we put these classes through on the fastest timeline we can. I am not saying we ever sacrifice quality or that we don't do everything that is required of us either through recommendations or the scrutiny that has been placed on getting this right, but I think that we do need to redouble our efforts to get it done as timely as possible and to tune those up. I am in favor of starting a February class, asking Kroll to, if it is possible, to produce that report so that we have an opportunity to go over it and get that class started as soon as possible, because the sooner I start it the sooner I graduate them so that's going to be my

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recommendation.

>> Tovo: Thanks for that, I appreciate that and concur that we need to start classes as soon as possible and I want to recognize that it is kind of an unusual thing to iterate while a program is going on and frankly we don't often iterate as often as we need to in situations like this in the city thank you for taking that approach and for trying to try that process even as it is going on and I hope that, do you feel that -- do you feel that you can respond to the changes that were recommended in the time frame?

>> I do.

>> Tovo: Thank you. Thank you again, everyone, for your work on this.

>> Mayor Adler: Colleagues, anything else?

>> Chief, thank you for being with us. Thank you, mayor.

>> Thank you, everyone.

>> Mayor Adler: I thank Kroll and experts, thank you for being with us, very extensive work. Please stay engaged we are -- there is a lot of work left to do and we appreciate the

[8:08:04 PM]

work you are doing, the quality of it.

>> Thank you.

>> Mayor Adler: It is good to see you talking about -- anything else? Manager? Are we net is okay. Then this meeting is adjourned at 8:08 this evening, see you all later.